S. HRG. 106-246

## INDIAN RESERVATION ROADS AND THE TRANS-PORTATION EQUITY ACT OF THE TWENTY-FIRST CENTURY

## HEARING

BEFORE THE

## COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING TO RECEIVE TESTIMONY ON THE INDIAN RES-ERVATION ROADS PROGRAM AND THE IMPLEMENTATION OF THE TRANSPORTATION EQUITY ACT FOR THE TWENTY-FIRST CENTURY

> OCTOBER 20, 1999 WASHINGTON, DC



U.S. GOVERNMENT PRINTING OFFICE

60-412 CC

WASHINGTON: 2000

For sale by the U.S. Government Printing Office Superintendent of Documents, Congressional Sales Office, Washington, DC 20402-ISBN 0-16-060066-9



## COMMITTEE ON INDIAN AFFAIRS

BEN NIGHTHORSE CAMPBELL, Colorado, Chairman DANIEL K. INOUYE, Haweii, Vice Chairman

FRANK MURKOWSKI, Alaska JOHN McCAIN, Arizona, SLADE GORTON, Washington PETE V. DOMENICI, New Mexico CRAIG THOMAS, Wyoming ORRIN G HATCH, Utah JAMES M. INHOFE, Oklahoma KENT CONRAD, North Dakota HARRY REID, Nevada DANIEL K. AKAKA, Hawaii PAUL WELLSTONE, Minnesota BYRON L. DORGAN, North Dakota

PAUL MOOREHEAD Majority Staff Director/Chief Counsel PATRICIA M. ZKLL, Minarity Staff Director/Chief Counsel

## CONTENTS

Statements:	
Baracker, Robert, Southwest Regional Office, BIA, Department of the Interior	
Bohnee, Gary, executive staff, Gila River Indian Community Bullard, Loretta, president, Kawerak, Inc.	
Campbell, Hon. Ben Nighthorse, U.S. Senator from Colorado, chairman, Committee on Indian Affairs	
Garrigan, Jim, roads director, Red Lake Band of Chippewa Indian Tribe Chaco, Paulson, director, Navajo Nation Department of Transportation Gishi, LeRoy, division chief, BIA Transportation Program Hamilton, Arthur E., program manager, Federal Lands Highway, Depart-	
ment of Transportation Johns, Samuel, assistant director, Navajo Nation Department of Trans-	
Pensoneau, Andsean, Navajo Nation Office, Washington, DC Shade, Sandra, director, Department of Transportation, Gila River Indian Community	
Thomas, Mary V., Governor, Gila River Indian Community Wellstone, Hon. Paul, U.S. Senator from Minnesota	
Whitefeather, Bebby, chairman, Red Lake Band of Chippewa Indians	
APPENDIX	
Prepared statements:	
Baracker, Robert (with attachments)	
Bullard, Loretta (with attachments)	-
Chaco, Paulson (with attachments)	- 3
Conrad, Hon. Kent, U.S. Senator from North Dakota	
Domenici, Hon. Pete V., U.S. Senator from New Mexico	
Keltzer, Sr., Alfred, chief administrative officer, Tanana Chiefs Con- ference, Inc.	j
Masten, Susan, president, National Congress of American Indians (with attachments)	-
Murphy, Charles W., chairman, Standing Rock Sioux Tribe	1
Penney, Samuel N., chairman, Nez Perce Tribal Executive Committee, Nez Perce Tribe	1
Ray, Duane Jim, president, Seneca Nation of Indians (with attachments) Sam, Robert, chairman, Summit Lake Pajute Tribe	-
Thomas, Mary V. Waller, Everett, president, Intertribal Transportation Association	1
Whitefeather, Bobby (with attachments)	24 45
Whitener, Jr., Robert, executive director, Squaxin Island Tribe (with at-	
tachments)	- 1

	Lage
Additional material submitted for the record:	
Affiliated Tribes of Northwest Indians (resolution)	221
Danforth, Gerald L., chairman, Oneida Tribe of Indians (letter)	225
Hall, Tex G., chairman, tribal business council, Three Affiliated Tribes,	
Fort Berthold Indian Reservation (letter)	227
Interim Funding Formula Distribution (proposal)	229
McConnell, Joseph F., president, Fort Belknap Indian Community Coun-	
cil (letter)	231
Murray, Hon. Patty, U.S. Senator from Washington (letter)	237
Smith, Chadwick, principal chief, Cherokee Nation (letter)	239
Smith, Chauwick, principal Cher, Cherokee Ration (recor)	Marie Co.

## INDIAN RESERVATION ROADS AND THE TRANSPORTATION EQUITY ACT OF THE TWENTY-FIRST CENTURY [TEA-21]

## WEDNESDAY, OCTOBER 20, 1999

U.S. SENATE, COMMITTEE ON INDIAN AFFAIRS, Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m. in room 485, Russell Senate Building, Hon. Ben Nighthorse Campbell (chairman of the committee) presiding.

Present: Senators Campbell, Inouye, and Wellstone.

## STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SEN-ATOR FROM COLORADO, CHAIRMAN, COMMITTEE ON IN-DIAN AFFAIRS

The CHAIRMAN. Good morning. The Committee on Indian Affairs

will come to order.

Today we will receive testimony on the Indian Reservation Roads Program and the implementation of the Transportation Equity Act for the 21st Century, known as TEA-21. Physical infrastructure is necessary for Indian tribes and their citizens to carryout everyday activities like law enforcement, medical services and transporting people and goods across Indian lands. In addition, for tribes to be viable and to develop healthy economies, they must have the ability to attract and retain job-creating activities. To be competitive, tribes must have the basic infrastructure.

As we will hear today, most Indian communities lack the infrastructure that other communities take for granted. Like many other issues, the ability to build infrastructure is dependent on funding. Many members of this committee, notably Senator Domenici, have worked very hard to make sure Indian tribes receive their fair share of the Federal funds which now is to \$275

million, earmarked for tribes under TEA-21.

Building on these efforts, in 1998, Senator Inouye and I proposed amendments to the TEA-21 Act to authorize tribes to contract out for road construction pursuant to the Indian Self-Determination and Education Assistance Act, and two, to require negotiated rule-making with the tribes to make the transition a smooth one.

As we will hear today, there were several bumps in the road, so to speak, as tribes assume a greater role in road and bridge construction. Evidently, one of the major obstacles facing tribes seems to be the Bureau of Indian Affairs itself. I am hopeful that we can shine light on these problems and cooperatively work through them. But make no mistake, we are committed to making sure that TEA-21 works for the tribes, and we will propose changes to the

Act if necessary.

With that, until Senator Inouye gets here, we will go ahead and start with the testimony of the first panel, which will be Arthur Hamilton, Program Manager, Federal Lands Highway Program, Department of Transportation; Robert Baracker, the Director of the Southwest Regional Office for the Department of the Interior, who will be accompanied by LeRoy Gishi, the Chief of the Division of Transportation.

If you gentlemen would like to start, your complete written testimony will be included in the record. If you would like to abbreviate,

you are welcome to do so.

## STATEMENT OF ARTHUR E. HAMILTON, PROGRAM MANAGER, FEDERAL LANDS HIGHWAY, DEPARTMENT OF TRANSPOR-TATION

Mr. HAMILTON. Mr. Chairman and members of the committee, thank you for the opportunity to testify today on the Department of Transportation's implementation of TEA-21, provisions affecting the Indian road program. I would like to introduce myself first.

My name is Arthur Hamilton, and I am the Program Manager for the Federal Lands Highway Program, of the Federal Highway Administration. The Federal Lands Highway Program provides funding for the coordinated program of public roads and transportation facilities serving Federal and Indian lands, and includes the

Indian Reservation Roads Program.

TEA-21 reaffirmed the Federal Government's commitment to provide safe and efficient access to and within Indian lands and Alaska Native villages by authorizing \$1.6 billion in funding for the IRR program for fiscal year 1998 to 2003. TEA-21 also strengthened the commitment of the Federal Government to increasing the involvement of Native Americans in transportation programming

and planning.

I would like to briefly report to you on some of the actions we have taken as part of our TEA-21 implementation to achieve our goal of improving transportation for Indian lands while increasing tribal involvement in the process. As part of the TEA-21 requirements to develop transportation planning procedures, the Federal Highway Administration and BIA, in consultation with tribal governments, developed the Indian Reservation Roads program, transportation planning procedure and guidelines document, which is now available as interim guidance for transportation planning effective this month.

In addition, to clarifying policies on funding and other activities, this document addresses the issues of coordination, cooperation and consultation between and among tribal governments, State DOT's, the Federal Highway Administration, the Federal Transit Administration, metropolitan planning organizations and local governments throughout the transportation planning process. It defines the roles and responsibilities of the various entities, ensuring that coordina-

tion and consultation appropriately occurs.

We have begun conducting training on these planning procedures in cooperation with the BIA and Tribal Technical Assistance Program centers, and will be offering 2-day workshops in all 12 of the BIA regions. State transportation planners will also participate in

these workshops.

TEA-21 also directed the Secretary of Transportation to coordinate with the Secretary of the Interior to establish a nationwide cooperative program for improving deficient Indian reservation road bridges, using a set-aside of not less than \$13 million of IRR funds per year. After soliciting comments, on project selection and fund allocation procedures, through meetings with tribal representatives and a Federal Register notice, FHWA developed guidance for a bridge program that was published as an interim final rule in July.

We are now conducting training sessions on the bridge program, and encouraging Indian tribal governments to identify their deficient bridges, so that they can obtain funding to repair or replace them. During fiscal year 1999, we funded all of the eligible 11 deficient bridge projects that were submitted to us, using about \$8.9

million of the IRR bridge funds.

TEA-21 required development of a funding formula using negotiated rulemaking with Indian tribal governments. The Federal Highway Administration is cooperating with the Department of the Interior and the tribes to develop this new funding formula. We remain fully committed to providing the necessary staff and IRR funding to complete this rulemaking.

I would like to highlight one specific example of the Department's progress in carrying out Congress' directives in TEA-21. The Walden Point Road construction project for the Metlakatla Indian Community of Alaska illustrates the diversity of Indian Reservation Roads program and successful program delivery through-

out joint agency and tribal efforts.

This project consists of constructing 14 miles of roads and bridges to link Metlakatla with the Alaska Marine Highway system and a proposed ferry terminal. It includes relocation of power facilities in conjunction with the road construction. When completed, the project will provide economic opportunity to the Metlakatla Indian Community through the sale of power to southeast Alaska, by providing access to a major port for cruise ships, and by improving access to the rest of Alaska. Federal Highway is working in cooperation with the Department of Defense, the Metlakatla Indian Community, the Alaska Department of Transportation and BIA.

To conclude, we are working hard to implement the IRR provisions of TEA-21 as quickly and effectively as possible. We believe

that implementation has gone smoothly.

However, we recognize that transportation is a critical tool for tribes to improve the quality of life in their community, and that there are still many challenges to overcome. We look forward to working with this committee to assure that remaining issues are addressed in a timely, effective and responsive manner. Mr. Chairman, this concludes my remarks, and I will be happy to answer any questions you or the committee may have.

[Prepared statement of Mr. Hamilton appears in appendix.]

The CHAIRMAN. Thank you, Mr. Hamilton.

I will have to tell you very candidly, I hear very little criticism of your agency. You must be doing better than a lot of us here in the capital.

Mr. HAMILTON. Thank you.

The CHAIRMAN. Mr. Baracker, go ahead.

STATEMENT OF ROBERT BARACKER, DIRECTOR, SOUTHWEST REGIONAL OFFICE, BUREAU OF INDIAN AFFAIRS, DEPART-MENT OF THE INTERIOR, ACCOMPANIED BY LEROY GISHI, DIVISION CHIEF, BUREAU OF INDIAN AFFAIRS TRANSPOR-TATION PROGRAM

Mr. BARACKER. Good morning, Mr. Chairman and members of the committee. My name is Robert Baracker, I am the Regional Director of the Bureau of the Indian Affairs Southwest Regional Office in Albuquerque, NM. I also serve as the designated Federal official for the TEA-21 negotiated rulemaking committee.

With me today is LeRoy Gishi, the Division Chief for the Bureau

of Indian Affairs Transportation Program.

We are pleased to be here today to provide you with an overview of the status of the BIA Indian Reservation Roads program and Transportation Equity Act for the 21st century, commonly referred to as TEA-21, implementation activities. I have submitted a prepared statement and would like to summarize some of the more important points of that statement.

The CHAIRMAN. That will be fine.

Mr. BARACKER. I would like to first begin by providing an overview of the TEA-21 implementation since its enactment. TEA-21 was enacted on June 9, 1998. Following that, the TEA-21 Restoration Act enacted in July 1998 provided technical corrections to the original law. The act included an increase of \$1.6 billion for the IRR program for the fiscal years 1998 through 2003. BIA and our colleagues at the Federal Highway Administration began meeting in August 1998, on discussing the implementation of TEA-21, specifically section 1115 of the act, which requires the Secretary of the Interior to establish program procedures and a funding formula under regulatory negotiations with tribal governments.

In October 1998, I was asked by the Assistant Secretary to be the designated official for this rulemaking. In November 1998, a national information meeting on Section 1115 of TEA-21 was held in Albuquerque, NM. This informational meeting was the first outreach meeting of any public agency required by the major changes in TEA-21 legislation. In December 1998, a notice of intent to form a negotiated rulemaking committee and accept applications for membership was issued. Nominations were submitted by the tribes within BIA's 12 regions, and appointment for consideration as committee members and alternate members to the committee were made.

In February 1999, nominations submitted by the tribes and appointed by the Secretary were published in a subsequent Federal Register and requests for comments were made. The committee representation, which totals 42, 29 tribal representatives, 13 Federal representatives, consists of small, medium and large tribes.

On March 16, 1999, the first meeting of the committee was scheduled and held in Albuquerque, NM. And I need to emphasize

that in less than 8 months from the full enactment of TEA-21, the negotiated rulemaking committee was fully assembled and had its first meeting. The committee has organized itself into four work groups to accomplish the task of developing procedures and a funding formula. The work groups are specifically addressing the funding formula, technical and construction standards, policy and delivery of services for the IRR program.

The average length of negotiated rulemaking that we are familiar with has been anywhere from 22-24 months. This reg-neg committee has met every month since March. The committee has aggressively set a revised schedule to complete proposed rules by March 2000. If this March milestone for the proposed rule is met, this will allow for publishing a final rule for program procedures

and formula by November 2000.

A question as a result of these new time lines is how to distribute fiscal year 2000 IRR funds. The intent is to distribute these funds in accordance with existing relative need formula. It is prudent that projects currently approved for fiscal year 2000 within tribal transportation improvement programs and the necessity to fund ongoing projects be funded in the absence of any reg-neg com-

mittee recommendation.

In our parallel efforts with Federal Highway to have greater participation of tribes and the general public, the Intertribal Transportation Association and the BIA have held five regional town hall meetings on the implementation of TEA- 21, as well as to discuss the transportation needs of tribal governments in the 21st century. Each town hall meeting produced a consensus report that represented a statement by participating tribes and local-State transportation agencies involved.

As a followup to those meetings, ITA is now working with those regions on implementation plans for these recommendations. ITA has brought together tribal and non-tribal governments in an effort to foster greater cooperation. They are to be commended for their

leadership in this tribal transportation arena.

In addition to developing program procedures and a funding formula, TEA-21 also modified the IRR program to include increased annual funding from \$191 million to \$275 million annually. It established a nationwide priority program for improving IRR deficient bridges. It provides funding for transit facilities, and last, clarified and strengthened self-determination contracting opportunities for road construction.

We have worked jointly with Federal Highway and tribes in the TEA-21 effort. We are building on a partnership. The theme of our reg-neg committee has become partnership into the next millen-

nium.

Indeed, the partnership with the Federal Highway Administration has been an evolving relationship, since the IRR program was established in 1928. The purpose of the IRR program is to provide safe and adequate transportation and public road access to and within reservations, Indian lands and communities for Native Americans, visitors, recreationists, resource users and others while contributing to economic development, self-determination and employment of Native Americans. The program is jointly administered by the BIA and the Federal Highway Administration. As of June 1999, the IRR system consisted of 25,700 miles of BIA and tribal roads, and 25,600 miles of State, county and local government and public roads, in addition to one ferry boat operation. From the \$275 million annual authorization, Federal Highway reserves up to 1.5 percent for Federal Highway Administration costs.

The BIA Division of Transportation and the Federal lands program within the Federal Highway Administration jointly develop plans for utilization of construction funds. This plan includes operating expenses for the Federal lands highway coordinated technology implementation program, the local technical assistance program centers for tribal government, BIA program management and oversight activities, not to exceed 6 percent as authorized in annual DOI appropriation act. In addition, 2 percent of the IRR funds are set aside for transportation planning by tribal governments.

The current joint BIA and Federal Highway Administration approved formula for distributing construction funding is the relative needs allocation formula that was developed and has been in use since 1993. Design and construction of projects is performed by tribal governments, BIA, other Federal agencies, consultants, or State and local governments. In 1995, about 35 percent of the IRR construction was performed by Indian tribal governments under Public Law 93–638 contracts, Approximately 40 percent were done under Buy-Indian contract authority. Approximately 15 percent were performed using Indian labor under BIA force account procedures.

In 1998, the percentage of 638 contracts increased to 50 percent, while the work performed under the Buy-Indian Act contractors decreased to 13 percent. BIA force account laborers increased to 29 percent. The remaining projects were constructed by highway contractors selected by other methods. Whereas the construction of IRR roads is funded through highway trust funds, the maintenance of IRR roads is funded through annual DOI appropriations acts. As a condition for continuance of Federal lands funding for improvement and in accordance with 23 U.S.C., the BIA is responsible for proper maintenance of BIA roads using DOI funds to protect the public investment and provide safe transportation for tribal members and the general public.

The BIA currently receives about \$25.5 million per year for maintenance. On average, this amount is less than \$500 per mile of road. Comparable State agencies estimate the maintenance need at about \$4,000 to \$5,000 per mile. The lack of proper maintenance is becoming evident in the frequency of reconstruction activities be-

cause roads are deteriorating prematurely.

The BIA estimates that \$100 million per year is needed to adequately maintain BIA owned roads. Maintenance funds are allocated to BIA regional offices by formula, and actual maintenance activities are performed by BIA tribal government, inter-governmental cooperative agreements and by other methods.

Between 1992 and 1997, the IRR program has built, reconstructed or improved on average 200 miles of roads per year on or near Indian reservations, villages and communities. During this same time period, approximately 300 bridges have been built, replaced or rehabilitated. As much as 50 percent of these bridges

were part of cooperative agreements with State and local govern-

ments for bridges serving Indian communities.

During this same period, as much as 94 percent of the available funds authorized have been directed toward the planning, design and construction of road projects. Through 1998, 77 percent of the funds authorized for the program are directed into actual projects impacting tribal priorities. According to the Federal Lands Highway program, this percentage is the highest of any Federal land management agency participating in 23 USC roads programs.

In 1998, approximately 541 projects were in development by the BIA and tribal governments. One hundred fifty-one of these were contracted by tribal governments. In fiscal year 1999, 11 deficient IRR bridges were funded. From 1992 through 1998, approximately 170 IRR bridges have been replaced or rehabilitated. During this same period, another 131 new IRR bridges have been built with

construction funds.

The construction need is the estimated cost to improve roads to an acceptable standard on uses and capacity. About two-thirds of BIA road systems are earth roads, of which 75 percent are unimproved earth roads. The remailing paved roads are reconstructed and resurfaced well in advance of their design life because of lack of maintenance.

Simply stated, we are reconstructing and resurfacing roads every 7 to 8 years, when the norm should be about 10 to 15 years. These statistics are important when one considers the existing construction need inventory, which is currently estimated at \$6.6 billion.

In closing, the IRR program will need to become a true multimodal program to address all the needs of Indian country. Mr. Chairman, we will provide responses to the committee questions I received yesterday. Thank you, and we will be happy to answer any questions you may have at this time.

[Prepared statement of Mr. Baracker appears in appendix.]

The Chairman. Thank you. Well, you gave me so many numbers and statistics and figures and percentages, frankly, it is going to take me a while to digest what all that means. But thanks for your testimony.

Just from the outset, it sounds to me like the money under TEA-21 that was supposed to go to roads because of the deteriorating existing roads, little of it is going for new roads, is that right? Most

of it is going to try to repave existing deteriorating roads?

Mr. BARACKER. That is correct, sir.

Mr. HAMILTON, Yes.

The CHAIRMAN. I did send a list of questions to Assistant Secretary Gover the other day. These are the questions you were referring to, you said you just got them yesterday?

Mr. BARACKER. Yes, Mr. Chairman.

The CHAIRMAN. All right, if you could respond to those at your

earliest convenience, I would appreciate it.

Let me ask you two or three things. Your testimony really paints a pretty nice picture of what you are doing. But that is frankly not what we are hearing from tribes, and I am sure some of them are going to testify from a little different perspective after this committee is done. But it looks like the funding is somewhat being chipped away by what is called obligation limitation, and the siphoning of funds from the Indian bridges program.

Is the Department proposing any statutory changes to make this

better?

Mr. BARACKER. I am not aware of any at this point, Mr. Chair-

The CHAIRMAN. Governor Thomas of Gila River reports that the Phoenix area roads engineer is deciding when and where to allocate the Indian roads funds, and that despite the continuing need for road funds, the Phoenix Area Office returned \$12 million to the BIA headquarters in Washington. Would you like to comment on that, and tell me why that happened?

Mr. BARACKER. I am not familiar with that instance, but with me is Mr. LeRoy Gishi, and perhaps he can shed some light on that.

The CHAIRMAN. Mr. Gishi.

Mr. GISHI. Yes, Mr. Chairman; I am familiar with that. The funds that you are referring to have been returned. As you are aware, in 1998 when TEA-21 was passed in June, the amount of available funding was an increase over ISTEA. The amount of time to obligate these funds was 3 months. Projects were not ready to

obligate funds before the end of the year.

One of the tremendous impacts for the program has been under TEA-21, a provision called "point of obligation." But at that time, it was not available to us to be able to implement without the risk of losing funds. The result is that a number of the regions, in the amount of \$18.6 million, requested to reserved these funds at Federal Highways, for the purpose that they be redistributed to those regions in the following year.

The CHAIRMAN. You are telling the committee that the \$12 mil-

lion that was returned will be redistributed?

Mr. GISHI. Absolutely.

The CHAIRMAN. To the tribes?

Mr. GISHI. It was, yes.

The CHAIRMAN. It was already?

Mr. GISHI. Yes; it was.

The CHAIRMAN. Maybe also, it is my understanding that Mr. Hamilton's agency gets 1 percent of the funds for administration, the Bureau gets 6 percent of the funds, which is the floor. They can keep more, apparently, for administration. Would you like to comment on that discrepancy? Do you do more work than them or what?

Mr. BARACKER. Mr. Chairman, the 6 percent is the ceiling.

The CHAIRMAN. It is not the floor, it is the ceiling?

Mr. BARACKER. Yes; the Bureau receives up to 6 percent for program management and oversight responsibilities.

The CHAIRMAN. Okay, thank you.

And if you are not in a real big rush, Mr. Baracker, I would like you to stay to hear testimony from the tribal representatives.

Mr. BARACKER. I would be very happy to, Mr. Chairman.

The CHAIRMAN. Mr. Hamilton, I also have a couple of questions for you. Maybe we have a difference of how we read TEA-21, but is it your understanding that funds shall be made available, or that all funds shall be made available for tribal contracting?

Mr. HAMILTON. The way I see it, Senator, is that funds should be made available. That is what we have been using.

The CHAIRMAN. Well, the way I read the bill, it says, all funds

should be made available. You might want to review that.

But I would like to ask you, is your agency conducting any audits at all on BIA administered road program?

Mr. HAMILTON. Yes; we do process reviews of the BIA region. The CHAIRMAN. What are the results so far of that review?

Mr. Hamilton. We have some that is ongoing now. I think for that fiscal year 1999, we still have some reports that have not been submitted yet. So I do not have that information today.

The CHAIRMAN. Would you make available to the committee the

results when you finish those audits?

Mr. HAMILTON. Yes, sir; I sure can.

The CHAIRMAN. From your testimony, it appears that your agency is prepared to assist tribes with technical assistance, and has succeeded as a lead agency in at least one key project with a tribe in Alaska. Is that correct?

Mr. HAMILTON, Yes.

The CHAIRMAN. Well, then the question would be, is your agency willing to take on direct tribal contracts to implement road pro-

grams as you did in Alaska?

Mr. HAMILTON. In Alaska, we did not take on direct contracts. What we did is that BIA provided the funds for us to provide a bridge design service for this project. And then the military came in to provide the roadway, part of the roadway construction. So we have not done direct contracting with the tribes.

The CHAIRMAN. That was a one-time deal?

Mr. HAMILTON. No; we are available, if BIA wants us to provide design services. We are willing to do that.

The CHAIRMAN. You have the capabilities and you are willing to

do that?

Mr. HAMILTON. Yes; we do. The CHAIRMAN. Thank you.

The Indian Reservation Roads program was established in 1928. And this partnership between your two agencies began in 1930, as I understand it. I would hope that the interaction you have between your agencies, frankly, is going to do a better job in trying to get more roads and rebuild some of the existing ones. Because I know, I spend a lot of time on reservations, and many of those roads, frankly, are almost useless, particularly if the weather goes down. So I might mention that to you.

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. With that, I thank you both. Any further testimony will be included in the record, if you can get those answers to those questions, Mr. Baracker. And Senator Inouye had to go to another committee, but he may have some questions that he will submit in writing, too.

Mr. BARACKER. Yes, sir.

The CHAIRMAN. We will now go to the second panel, and that will be Mary Thomas, Governor of the Gila River Indian Community, from Sacaton, AZ; Loretta Bullard, president of the Kawerak Corporation of Nome, AK; Bobby Whitefeather, chairman of the Red Lake Band of Chippewa Indians; and Paulson Chaco, the director of the Navajo Nation Department of Transportation.

Ms. Bullard, did I meet you with I was up in Nome with Senator

Stevens?

Ms. Bullard. Actually, I saw you, but we were not introduced. The Chairman. It was 47 below. I remember that very specifically. [Laughter.]

Welcome down here.

We will start in that order. Governor Thomas.

## STATEMENT OF MARY V. THOMAS, GOVERNOR, GILA RIVER IN-DIAN COMMUNITY, ACCOMPANIED BY SANDRA SHADE, DI-RECTOR, DEPARTMENT OF TRANSPORTATION, AND GARY BOHNEE, EXECUTIVE STAFF

Ms. THOMAS. Good morning, Mr. Chairman and distinguished members of the Senate Committee on Indian Affairs. At this time, I will restrict myself to a shorter oral testimony, but ask that my complete testimony be placed in the record.

I would also like to introduce Ms. Sandra Shade, who is the director of our Department of Transportation for Gila River, and also Gary Bohnee, who is a member of the executive staff of Gila River.

My name is Mary Thomas. I am currently completing my second term as the Governor of the Gila River Indian Community. The Gila River Indian Community is comprised of both Akimel O'Otham and Pee-Posh Nations. Our reservation was created by Executive order in 1859 and covers 372,000 acres in south central Arizona.

Our community is comprised of approximately 20,000 members, enrolled members, 13,000 of whom live on the reservation. We are recognized as the fourth largest Indian populated reservation in

the country.

Our community is in a period of dramatic change. Over the last 5 years, our reservation population has grown by nearly 44 percent. Not only is our reservation growing, but it is also getting younger. These days, those members who reside on the reservation, over 51 percent are under the age of 21. As the northern boundary of our reservation forms the southern boundary of the Phoenix metropolitan area, our community has experienced tremendous growth that mirrors that of Phoenix, one of the largest growing cities in the country.

As a result, there has been great urgency to keep pace with the growing infrastructure demands within our community. Although my written testimony addresses a number of concerns, I would like to address one of the more important issues, that of our community's experiences with the Indian Reservation Roads program, and

in particular, the Bureau's Phoenix Area Office.

There are other issues that are also important to us, the obligation limitation issue, for example. But I understand that other distinguished colleagues on this panel will address this issue in a

more comprehensive manner.

In our community, of the 500 plus miles of roads within our reservation, only half are paved. The remaining half are largely unimproved dirt roads, and unfortunately, we do not see this situation improving any time soon. The reason for this is that the Bureau

of Indian Affairs Phoenix Office has decided upon using its own formula calculations, as opposed to adhering to the newly mandated

TEA-21 rules of relative need.

The community for several years now has continued to be concerned with the Bureau's Phoenix Area Office handling and distribution of its Indian reservation roads program moneys. Prior to the enactment of TEA-21 under the law, Intermodal Surface Transportation Efficiency Act, or ISTEA, mandated that the Bureau allocate funds based on relative need formula.

But in Phoenix, unfortunately, it has been the community's experience that contrary to this clear congressional intent, the area has applied its own arbitrary allocation formula. As a result, our community's road projects have been underfunded by approximately

\$2.5 million for the period 1992-97.

In uncovering this funding shortfall, our community requested an audit by the Federal Highway Administration of the Bureau's Phoenix Area Office to determine the reasons for these funding discrepancies. The Federal Highway Administration audit revealed that the Phoenix Area Office never fully implemented the relative need formula funding as dictated by ISTEA. Rather, they have been utilizing a different fair share formula to track the annual aggregate amount of funding for each Indian tribe in the Phoenix area.

There are 42 tribes in the Phoenix Indian area. The Highway Administration report found that the Phoenix Area Office had not changed its allocation methodology since 1983. So in effect, each Indian tribe in the Phoenix area has received the same flat percent-

age of roads funding for the last 16 years.

It has been only in the last year that Phoenix Area Office updated its basic statistics on its population growth for each tribe. Moreover, although the Phoenix Area Office purported to allocate roads funding, pursuant to this fair share formula, on the contrary, in practice, the area roads engineer has exercised absolute discretion as to which tribal projects get built and which tribal projects do not.

In establishing his priorities, the roads engineer is able to reallocate reservation roads moneys among the many Phoenix Indian tribes regardless of the fair share formula. This practice not only resulted in our community's being underfunded by approximately \$2.5 million, but more importantly, it seriously undermines the ability of tribal governments to plan for future reservation roads needs.

In fact, we had to go to Senator McCain in order to get this audit report. And through his efforts, we did get the audit report in our hands. Given the long hours of debate and deliberation that went into crafting the formulas to allocate funds among the States and Indian tribes under ISTEA and TEA-21 in this committee and in Congress, I find it extremely disturbing that the Phoenix Area Office can continue to ignore these formulas and leave funding allocations to the unbridled discretion of its roads engineer.

When our community raised its concerns with Phoenix Area Office, the response received from the Area Office was, and I quote, "There can be no rigid allocation of construction moneys" due to the costs of roads projects. And when asked to justify their actions,

they responded, and I quote again, "Spread out over the years and

averaged, all tribes are treated fairly."

The report also found other questionable areas, such as the Area Office does not provide adequate enforcement of quality assurance and quality control and road construction projects, because they do not have the staff at the construction site. Transportation planning functions are carried out in a fragmented and inefficient manner by the Phoenix Area Office due to lack of organization, staffing, and disjointed allocation of planning responsibilities.

The Phoenix Area Office fails to communicate with the Phoenix area tribal governments, which creates serious misunderstanding about the IRR program. The current Area Office certification acceptance plan is outdated and is not functioning according to the

requirements of TEA-21.

The report also highlighted several problem areas within the Phoenix Area Office roads program that in our experience have resulted in the continued deterioration of reservation roads throughout the Phoenix area. The Phoenix Area Office has done little to assist tribal governments in planning for future reservation roads needs or to complete the area wide roads inventory.

In 1992, our community provided the Phoenix Area Office with a resolution that described the community's road construction priorities for the next 5 years. The next 5 years has already passed.

And of that, only one has been completed.

But I want to say, the last year, the Phoenix Area Office advised the community it was returning to BIA headquarters its unallocated amount of \$12 million. We were never forewarned of this, and it caught us by surprise at the very end. This could prob-

ably happen again very soon.

So because of this whistle-blower effect in exposing some of these issues, things have not gotten any better. In fact, they have gotten worse. There is documentation in our reports of the unprofessional mannerism of the roads engineer, the disrespect for the tribes and of my staff in particular, and also to the other staffs of ITCA, and this letter will be provided to you which highlights this unprofessional conduct.

So we are very displeased at this point on how we have been treated out in the Phoenix area, and I hope that the ears are here to listen to what we are trying to report to you today. And also that we are finding it very disheartening that even though through our efforts, we provide a lot of services under contracting and also compacting and annual funding agreement negotiations, we are still depicted as people who do not know how to run programs.

So I implore you to listen to my comments, and I will provide this oral testimony also to you, because it covers a lot of areas, and I would urge Mr. Hamilton to look at compacting directly with

FHA in order to cut out all this redtape.

I thank you for listening to me this morning. I will be happy to answer any questions.

[Prepared statement of Ms. Thomas appears in appendix.]

The CHAIRMAN. We thank you, Governor Thomas. We may consider some statutory changes to allow Mr. Hamilton's agency to do direct contracting.

I am sure you heard Mr. Baracker's testimony about the amount of tribal input. I was rather impressed with the numbers that he said, of the numerous meetings they have had. You are saying that your tribe has had no voice in which roads are to be built and that the Bureau engineer pretty much makes the decision? Is that basically your testimony?

Ms. THOMAS. We have had our priorities, and it was developed throughout community input which roads needed the most attention, especially roads that involved our children, transportation to school, ambulance services, fire services. And we provided that list

way back in 1992. And up to 1997, only one has been built.

And so we questioned why they returned \$12 million, and also why we were short funded. And we realized this way back in 1993, I believe, and started investigating and asking for this audit. And it was very hard getting it out of their hands, so we could justify—

The CHAIRMAN. And you did not know the \$12 million was going

to be returned?

Ms. THOMAS. No.

The CHAIRMAN. Did you have roads prioritized that that money could have gone to?

Ms. THOMAS. Yes; and they are still out there.

The CHAIRMAN. Mr. Baracker also testified, as I understood his testimony, that that \$12 million has been reprogrammed.

Ms. THOMAS. It is probably going to reprogram, but we are not

sure, because it is not identified as such.

The CHAIRMAN. So it may not come back to you anyway?

Ms. Thomas. So we don't know.

The CHAIRMAN. Did I understand also that there was a tribal audit on the highway? Did the tribe do that or the Federal Highways? Yes, the tribe requested the Federal Highways Administration to do an audit, apparently, is that correct?

Ms. THOMAS. Yes.

The CHAIRMAN. What was the result of that audit?

Ms. Thomas. The audit was very skewed, because we did not get our hands on it, and they interpreted it in their own way and that is how they responded to us. So we requested this audit report and they would not give it to us. So we went to Senator McCain, and he is the one who provided us a copy. And that is when we really started studying it and found out all these discrepancies.

The CHAIRMAN. What was your opinion of it? What was the result of that audit when you finally did get a copy through Senator

McCain's office?

Ms. Thomas. That we could have been well on our way to improving the roads that needed the most attention, but they are still

in the same condition today.

The CHAIRMAN. Well, I think the intent of Congress when that bill was passed is that the money should have gone there, and that the Phoenix Area Office apparently has applied a flat percentage of the funds since 1983, and that your reservation has been short-changed.

I have been down to your reservation a number of times. In fact, the last time I was down there was between Christmas and New Year's. I came out, visited around a little bit, saw some good friends of mine, I'm sure you know the Lewis family, Myrna Lewis. It seemed to me that your tribe is doing rather well, considering the deteriorating roads, in terms of agriculture and small business and tourism, and a number of high energy activities that are going on. I wanted to commend you on that. But certainly you could do better if you had a good basic, solid progressive infrastructure, too.

You offer two options. One is to enter a self-governance compact, so that all the roads money goes to the tribes, which is basically the intent that I would like to see, and two, to make the Federal Highway Commission the lead agency for the purpose of Indian roads. Is one more effective than the other, do you think, whether it would be better to have self-governance compacts so the money would go directly to the tribes or to have the Highway Administration be a lead agency on it?

Ms. Thomas. I think it would be better for the Federal Highway Administration to take the lead, because when it comes down to the funding levels to whichever bureaucracy, and we find this with the Bureau, that they take their share of the money before it even gets down to the tribes. This way we can get money directly, and

then be responsible and be accountable.

I also want to point out that we have been very successful working with the counties and States. And as you know, interstate 10 runs, bisects our reservation for 30 miles. We had a count on that highway, there are a million cars that go through Gila River every year, not counting the county and State. So we have been very successful in working with outside agencies. But we seem to not work with our own Bureau.

The CHAIRMAN. Well, math was never my long suit, but I was just trying to figure out what 6 percent of that \$275 million was. And it comes out around \$8 million, something of that nature. The \$12 million that was returned, by the way, you did mention that you had no prior knowledge that was going to be done. Have you been given any knowledge at all that that money was going to be reprogrammed? Did you have any knowledge of it before today?

Ms. Thomas. No; in fact, we have about \$7 million allocated for our next road projects, and we were told about a week before it was going to expire, they told us, your money is going to be returned if you don't obligate it. So we rushed and we set our paperwork in motion. When we skipped one number in there, they arbitrarily put their own number in there, and they said, this is what you signed off on. But we are going to back and address that issue and set it straight.

The CHAIRMAN. I thank you very much. And thank you for your testimony, and please tell Myrna Lewis hello for me. Her son is

making a necklace for me. Remind her of that.

We will now hear from Ms. Bullard, President of Kawerak. Why don't you go ahead. Thank you for being here. You have had a long trip.

## STATEMENT OF LORETTA BULLARD, PRESIDENT, KAWERAK, INC.

Ms. BULLARD. My name is Loretta Bullard, and I am President of Kawerak, Inc., which is a consortium of 20 federally-recognized

tribes in northwest Alaska. We have 16 communities with approxi-

mately 7,000 tribal members.

First off, I would like to note that the Indian Reservation Roads program is badly underfunded and that we strongly support requests made by NCAI and others that Congress fund the IRR program at 100 percent. Reservation roads constitute approximately 2.63 percent of all the roads in the Nation, where the program receives less than 1 percent of the funds. If the IRR program was fully funded at a level proportionate to existing road mileage, the IRR program would receive approximately \$793 million, which we fully support.

The existing relative need formula currently used by the Bureau of Indian Affairs to distribute IRR funds is grossly unfair and in need of change. It is illogical and it does not fairly or accurately measure tribal needs. It is contrary to the authorizing legislation for the program, and excludes the majority of eligible Indian reservations and Alaska native communities from meaningful partici-

pation.

The formula reflects a policy decision made by the Bureau that the highest and best use of IRR funds is to rebuild and rehabilitate existing BIA-owned roads. There are three factors in the existing formula. Fifty percent is allocated based on a cost to improve, 30 percent is allocated based on vehicle miles traveled, and 20 percent is allocated based on population. Both the cost to improve and vehicle miles factors are based on a roads inventory which is limited to existing roads that BIA itself owns or controls the right of way for. Tribes with no BIA roads at all are excluded from 80 percent of the funding.

And because Alaska is so under-developed in terms of our BIA roads, we are excluded from a majority of the funds. To illustrate this, I am asking the committee to imagine two Indian communities. Community A has a 5-mile road to an existing housing area. Community B has a need for a road. Community A, under the BIA funding formula, will receive a sizeable amount of money for a road they already have, whereas Community B, which has no road at all, will receive very little funding under the existing formula. They

will receive consideration for population.

One of the unfortunate side effects of the BIA system is that true tribal road construction needs are never recorded or requested of Congress, and neither are the true roads maintenance needs for BIA owned roads. The other problems with the relative need formula include the cost to construct figures are derived from the BIA's own construction costs, which means there is no incentive to be cost efficient. The BIA road inventory system and the allocation system is excessively complex.

The data system is outmoded and in my view, unreliable and completely unverifiable. They are still using COBOL as of this summer to maintain their Indian reservation roads inventory. The way the system is set up is that tribes and local BIA offices can spend money on projects which are not in the BIA road inventory

and thus prevent their need from going down.

One problem that we have experienced, which has really affected Alaska this last 1½ years, has to do with the Federal highway cost indices. In 1997, there were no projects reported in the State of Alaska for Federal highways. And because of this, the Bureau of Indian Affairs, rather than using a 1997 Federal highways indices, they reverted to a default factor, which resulted in Alaska receiving, for our cost to construct portion of the formula, 93 percent of

1987 costs.

The BIA formula focuses on roads to the exclusion of other IRR funds. The current statute reflects transportation assistance. And because 80 percent of the money is currently allocated toward existing BIA roads, for those areas which have very little roads get very little funding. In our area, because we have no roads, we do have a lot of other transportation assistance needs. For example, a ferry system.

The Chairman. When I was up there with Senator Stevens, I couldn't see if there were roads under all that ice and snow. Are

most of the roads around Nome paved?

Ms. BULLARD. No; they are not. In fact, Nome is, I think probably the exception to the entire State of Alaska, in that Nome is one of the few subregional centers in Alaska which has any roads at all. If you go to Kotzebue, Barrow, Bethel, there are no roads outside the community.

And our villages, there are no roads connecting our villages except for one. And because we do not have BIA roads, we do not get any money to build roads. That is the problem with the system.

In terms of the negotiated rulemaking process, we had wanted to participate in this process because we thought this would give us an opportunity to develop a new funding formula, since we considered the old one to be broken. I am participating in the formula

work group. And the process is broken.

We have been meeting now since April of this year, and there is currently no funding formula seriously under consideration. I would say a good part, a number of the individuals present in the funding formula group do not believe that there is a need for a new funding formula, so therefore, they are standing on a position that

the funding formula should be status quo.

There is very little interest in changing the way the Bureau does business. Some of the problems with the funding formula, with the negotiation process, is that none of the senior BIA officials participating in that process have defined the process as requiring that a new funding formula be negotiated. No alternatives to the present funding formula have been developed or presented by Bureau officials, though Bureau officials at the funding formula work group have vigorously opposed changes suggested by tribal representatives.

Some Bureau area engineers in the funding group continue to blame the other regions for problems with funding, and assert that all problems can be fixed at the regional level. This is patently untrue. Any area only receives the aggregate relative needs share of

its tribes.

And some of the tribal representatives are of the belief that if no consensus is reached through this process, the existing formula will continue in effect by default. There are tribal representatives who are opposed to change in the formula. No one wants to lose any money. At our most recent meeting in North Dakota, which was about two or 3 weeks ago, small tribe representatives had sug-

gested that because Congress had made an \$18.3 million available, totally new money available for the fiscal year 2000 appropriations, we had recommended or encouraged that the funding formula group or the full committee redirect some of this money to those tribes which have not accessed or been able to have any projects since 1992–99. We were not even able to get that through the committee.

I have three recommendations for this committee to consider. First, that Congress should give the Bureau of Indian Affairs clear direction that the negotiated rulemaking is expected to produce a new funding formula, taking into account the interests of all tribes and the criteria set forth in TEA-21. Further, that if no consensus is reached, Congress should be prepared to legislative an allocation method in 2001.

Second, there should be a Congressional audit of the BIA's transportation program. An independent analysis of the way the Bureau allocates and spends IRR money would in the long run help the BIA, the tribes and the Congress make a more efficient program, more finely tuned to the needs of Indian people. An audit would

bring the light of day to the program.

Third, we believe that Congress should seriously consider transferring the entire Indian reservation roads program to the Federal Highways Administration in such a way that would preserve tribal contracting authority. We just think that the current program is broken right now, there doesn't seem to be any interest in changing it, and we think that this would help address this.

I would like to thank you for allowing me this opportunity to testify, and that I hope this committee will continue to exert pressure on the Bureau or take more direct action to ensure that the Indian Reservation Roads funds are fairly distributed and efficiently used.

[Prepared statement of Ms. Bullard appears in appendix.]

The CHAIRMAN, Thank you.

We will now move to Bobby Whitefeather, but I might say that under this current formula, it looks to me like we are basically ensuring that no new roads are going to get built.

And I would like to welcome Senator Wellstone here to the com-

mittee today. Did you have any comments or a statement?

## STATEMENT OF HON. PAUL WELLSTONE, U.S. SENATOR FROM MINNESOTA

Senator Wellstone. Thank you, Mr. Chairman, I am going to be very, very brief. I am running between things. I would like to thank you for the hearing, and all of the witnesses. I do think the state of infrastructure in Indian country is not anything that we can be proud of. I do want to welcome Chairman Bobby Whitefeather of the Red Lake Band of Chippewa, from my own State of Minnesota. With him is Jim Garrigan, who is the Roads Director for the Red Lake Band.

I believe that Mr. Garrigan also serves as tribal representative to the TEA-21 negotiated rulemaking committee. And I think this is a strong statement of the confidence that other tribes have in the Red Lake Band. And I hope that the Committee will listen very

carefully to their words.

I think the only thing I am going to say about what all the panelists have been focused on is I think the tribal leaders before us, before this committee, are going to raise, and have raised, some very serious issues about the implementation of TEA-21, and the Indian reservation roads program. Some, like the obligation limitation issue, are matters for the Congress to address, for us to address. Others are in the court of the Department of the Interior and the BIA, and as the Senator from Minnesota, I just want to say to Interior and BIA that I want to vigorously champion the rights of tribes in my State, and for that matter, in all States, to get a fair piece of the pie and to be dealt with in a manner that is fair by the Departments.

Thank you.

The CHAIRMAN. Thank you for being here, Mr. Whitefeather. You have been here before the committee many, many times. We appreciate your comments.

I noticed with interest an old friend out in the audience, Jerry Sikorsky is sitting back there. Is Jerry working on your roads?

Senator Wellstone. He's a young, young friend. He's a flag

The CHAIRMAN. Nice to see you. Go ahead, Mr. Chairman.

STATEMENT OF BOBBY WHITEFEATHER, CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS TRIBAL COUNCIL, AC-COMPANIED BY JIM GARRIGAN, ROADS DIRECTOR, RED LAKE BAND OF CHIPPEWA INDIAN TRIBE

Mr. WHITEFEATHER. [Greeting given in native tongue.]

Mr. GARRIGAN OR MR. Trujillo will interpret that for the record. Mr. Chairman, that was my extended version of saying "how." [Laughter.]

Mr. WHITEFEATHER. I guess I am have to inform the committee that I am required by our tradition to greet you in our language, and if I don't, Grandma back home will hear about it. So I don't

want to get in any trouble.

But Mr. Chairman and members of the committee, it is certainly a pleasure this morning to appear before you to talk with you about the Indian reservation roads system and our experiences,

good, bad, with agencies that we have to deal with.

I want to first of all introduce Mr. Jim Garrigan, who is our tribal roads director. He is a tribal member of the tribe, and recently completed 32 years of service with the Bureau of Indian Affairs, under their tribal roads program. So in our estimation in Red Lake, he has had sufficient on the job training and has earned his eminence credentials by our standards to conduct our roads

projects with due diligence.

Also I would say that Mr. Garrigan is the premier expert on Indian reservation roads in the United States, by virtue of his involvement, and also he is cochair of the negotiated rulemaking committee that is negotiating the rules and regulations for TEA-21. This morning, I would like to highlight five areas of concern that we have as a tribe, and just a brief summation of issues such as obligation limitation, BIA's misdirected use of Indian reservation road moneys, barriers to self-governance, negotiations under TEA-21, BIA's obstructive stance on the negotiated rulemaking process,

and the inequity in funding from the Federal Highway Administra-

tion trust funds.

Just to give you a little background, Mr. Chairman and members of the committee, of the Red Lake Indian Reservation, we are a reservation that is not subject to Public Law 280. And our area comprises approximately 840,000 acres of water and land. Within that boundary, we have approximately 9,500 tribal members.

One of the unique attributes of the Red Lake Nation is that we are charged with the full responsibility of governing services. So we do not have the opportunity to share services or share resources with counties, sometimes with the State, although it is mostly at their discretion. And so it is truly a situation of true governance of where, the necessary services that we provide for our people.

The road system in Red Lake and the bridge system is in very, very poor condition. With the advent of welfare reform, where we are basically isolated from major metropolitan areas, we have no jobs. And it is going to be difficult to encourage our tribal members to get the training, to get the education necessary to be competitive in the work force. It is one of our priorities to develop a transportation system, a transit system, if you will. But if the infrastructure is not there to adequately transport our members, it is a further challenge.

And I must say again, we have one of the largest road systems in the Minneapolis area for sure, if not one of the largest in the

country.

The first issue, obligation limitations, it is our assertion that there is a diversion of funds that is occurring. However, probably not intended by Congress when they enacted the TEA-21. And we do appreciate the committee's work and the rest of the Senators that made it possible to include tribal roads in TEA-21, particu-larly Senator Domenici. Our appreciation to him and all of you.

For the number of funding that is identified to go with tribes of \$225 million, is not accurate this past year. Also next year, \$275 million is not accurate, because of obligation limitation. There is a deduct that we did not know was a part of the process. And we are of the assertion that the obligation limitation is not the right thing to do, because of the condition of our systems in tribal Indian reservations. With the good economy that the United States is enjoying, Indian tribes are lagging further and further behind. So we ask Congress to address this issue.

The next item is our assertion of a misdirection of road moneys by the BIA, with the issue of up to 6 percent funds. Mr. Garrigan, who has worked within the system previously, has personally identified areas where there have been misdirection of Indian road funds for uses other than tribal roads. As examples, using funds to move office headquarters from one location to another in the Minneapolis area; administrative supportive costs that have no relation to roads; unrelated travel costs. All of these can be attested to by

Mr. Garrigan. We ask this committee and Congress to please conduct an inquiry, demand a full accountability of our assertions. Our reservation roads need access to every available resource that we can get.

Just last Friday, we took a photograph of the boundary area of the Red Lake Indian Reservation, where the State of Minnesota

had improved State Highway 89 up to the reservation line, and a photo has been provided to the committee for your review. We cannot understand why the improvements stopped at the reservation

line. That displays to us some inequity.

Also some of the other witnesses here have testified to the difficulty in working with the Bureau on compacting. The TEA-21 legislation expressly allowed for the inclusion of TEA-21 under self-governance and 638. Since 1994, the Red Lake Nation has attempted to contract and compact the functions of tribal roads. So far what we have been able to do is be a part of a demonstration

program.

In our efforts to work with the BIA, we run across obstacles such as them telling us no to advanced funding, no to tribal control, no to access of the 6 percent. The most glaring example of paternalism, Mr. Chairman, and members of the committee, is that the Bureau of Indian Affairs requires us, tribal roads in Red Lake, to have State certified engineers for the design of our work that we propose. While at the same time, at the Minneapolis Area Office, their supposed engineer does not possess, I repeat, does not possess, the same qualifications. It is the height of paternalism that we are subjected to, and we object strongly to that. Again, I ask Congress to examine that methodology.

Again, the conduct of the BIA in the negotiated rulemaking process is unconscionable. I speak from experience in negotiated rulemaking, because I was an active participant in NAHASDA. With good coordinated effort, good faith, honorable dealings, we were able to complete the negotiations under NAHASDA in record time. And the negotiated rulemaking process under TEA-21 was pat-

terned after the NAHASDA effort.

Right from the beginning there were obstructions, obstacles, protocol. We did not have any trouble getting the Secretary of HUD to sign onto the protocols. Some of the bureaucracy in the Bureau of Indian Affairs objected to having the Secretary be a signatory to

the protocol. That is not right.

At this point in time, the process is way behind schedule, and may have stalled. There are contentious issues, sure, such as the formula. But in our experience in NAHASDA, the formula was left for last. We wanted to get past all the negotiable points and the formula was the last issue that we dealt with. And we did so in good faith and honorable dealings with not only tribes, but also with the Federal Government.

Last, I would like to request an examination of inequity in funding, when it comes from the viewpoint of the Federal Highway trust fund. Reservation roads comprise approximately 2.63 percent of roads across the country. Yet our funding is 1 percent of the allocation. So I would like to request the committee to examine that.

In conclusion, the reports of the obstruction and poor cooperation by the Bureau of Indian Affairs is very disturbing, very disturbing to us. We would like to urge that Congress and this committee do what you can to examine our assertions, feel free to question Mr. Garrigan about some of the obstacles that we have been faced with. Because we, as Red Lake Nation, as mandated by our ancestors, want to deal with others with good faith and honorable dealings.

A final recommendation is perhaps, since we have had such an adversarial relationship with the Bureau of Indian Affairs, for the most part, over my time on the council, especially with the roads, maybe it is time consideration be made to transfer the function over to the Federal Highway Administration. And I am testifying here before you, Mr. Chairman and members of the committee, out of some fear by my tribe of repercussion from the Bureau of Indian Affairs on some critical matters that we have under discussion with them today.

And finally, I want to say, Mr. Chairman, especially Senator Wellstone, the invitation still stands for you to come and visit our homeland. Thirty-five or 40 below in Alaska is nothing compared

to 60 degrees in Minnesota. [Laughter.]

Mr. Garrigan and I stand ready to answers that you may have. [Prepared statement of Mr. Whitefeather appears in appendix.]
The Chairman, I am still recovering after visiting Ms. Bullard's country.

Mr. Chaco, do you have comments?

## STATEMENT OF PAULSON CHACO, DIRECTOR, NAVAJO NATION DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY SAMUEL JOHNS, ASSISTANT DIRECTOR ANDSEAN PENSONEAU

Mr. Chaco. [Greeting given in native tongue.]

I would like to say good morning, Mr. Chairman and members of the committee. That is the Navajo version for "how." [Laughter.]

My name is Paulson Chaco. I am the director for the Navajo Nation Department of Transportation in Window Rock, AZ. I have with me Samuel Johns, who is the assistant director for the program. And also Sean Pensoneau of the Navajo Nation Washington, DC office.

On behalf of President Kelsey Begay of the Navajo Nation, we welcome the opportunity to provide testimony to the committee about the implementation of the Transportation Equity Act of the 21st Century, TEA-21, which is an important piece of legislation. TEA-21 is particularly important to the Navajo Nation, since the Navajo Nation has such a large land base and in desperate need of roads. We have approximately 8,000 miles of road, of which

6,000 miles is unimproved.

In particularly today, the Navajo Nation would like to bring to the committee's attention in its experience with the negotiated rulemaking process and concerns the Nation has with distribution of funds. Especially the obligation limitation imposed by section 1102 of TEA-21 and the bridge replacement program. Overall, the negotiated rulemaking is progressing, although not at the speed which was originally desired. The original delays in naming and organizing the rulemaking committee were compounded by the fact that the Secretary of the Interior was reluctant to sign off on the protocol.

These delays have impacted the ability of the rulemaking committee to develop final product in accordance with proposed time lines. Nevertheless, it is anticipated that the possible exception of funding formula, which will be discussed shortly with the other aspects of the proposed regulation, will be ready for release soon. Of the four work groups which make up the negotiated rulemaking committee, the work group most in controversy is the funding formula work group. This work group has been tasked the review and development of possible alternative methods for distribution of funds under the IRR program. The funding formula work group has encountered problems surrounding the appropriate methods to address needs of smaller tribes who have asked that the work group and committee consider the possibility of set-aside of a portion of their IRR funding to be used as a base to address transportation projects, which might not otherwise be addressed as quickly.

The Navajo Nation has opposed such set-asides as being contrary to the underlying principle of the relative needs formula. However, this issue has brought about an impasse in the funding formula

work group.

Over the course of the rulemaking meeting, it has become apparent that even after the rulemaking is concluded, much of its work needs to be done. In particular, this seems to be on two levels: Training, both general and specific to contracting and compacting; and the development of some standards regarding use of Federal acquisition regulations which would not otherwise apply to contracts under the Indian Self-Determination and Assistance Act.

In the process of some of the presentation, it is apparent that some employees of the BIA do not understand or agree with the goals of self-determination, let alone have the understanding of Indian Self-Determination Act requirements and provisions. This imposes a handicap on tribes and tribal organizations attempting to contract or compact. Probably the only effective method to address these misunderstandings is through comprehensive training for both BIA and tribal personnel. Not only could this training help improve the implementation of the law, but it would assist in mak-

ing interpretation throughout Indian country uniform.

As far as obligation limitations, section 1102 of TEA-21 creates an obligation to redistribute approximately 10 percent of the Federal Lands Highway program to the States or the surface transportation programs. Unfortunately, the IRR program funding is located within the Federal Lands Highway program. While this may have started off as an attempt to address States' needs for funds and roads development around Federal lands, it has also deprived the IRR program of the needed funds. For example, in fiscal year 2000, the IRR program was allocated \$275 million. Yet the obligation limitation reduces that amount by \$32 million.

With respect to bridges, while the reductions imposed by the obligation limitation hurt the IRR program, their effect is worsened by the additional reduction caused by the delay of the inability of the Federal Government to distribute bridge replacement funding for fiscal year 1999 has gone by. Yet \$13 million designated for bridges is still being withheld. In the current year, an additional \$13 mil-

lion is being withheld, for a total of \$26 million.

The obligation limitation will apply to withheld amounts, actually increasing percentages to be turned over to the States. The Navajo Nation believes it is critical that the Federal Highway release these needed bridge replacement funds immediately before

additional funds pile up. As these funds withheld by the Federal Highway continue to grow, so does the need for bridge replacement.

The Navajo Nation thanks the Senate Committee on Indian Affairs for the opportunity to express its concerns and observations regarding the implementation of TEA-21. If the Committee has any questions about the Act and its impact on the Navajo Nation, we will be glad to address those concerns.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Chaco appears in appendix.]

The CHAIRMAN. Thank you. I have already asked most of my questions for Governor Thomas. Let me ask a couple of others. To Ms. Bullard, the way I read this formula, about 80 percent goes to the upkeep of existing roads. As I see it, big tribes have a lot more existing roads than small tribes, particularly in your part of the country. Does that put you at a pretty big disadvantage, if you are only getting 20 percent toward new roads, and you do not have any existing ones, it would seem to me that the small tribes, particularly, would have a huge disadvantage from the big tribes.

Ms. BULLARD. Yes; I agree. I think it is a question of the haves, who have roads, and those without roads. I do not even think it is a big tribe-small tribe issue. I think it is those with roads and those without. And historically, Alaska has very few roads projects.

So we do not have any roads.

The CHAIRMAN. You seem to have a better relationship with the Bureau than some of the tribes do. But as I understand your testimony, you recommend that the Federal Highway Administration be the lead agency. Is that correct?

Ms. BULLARD. Yes; that is correct.

The CHAIRMAN. Why?

Ms. BULLARD. We get along fine with Juneau Area. We have a very good working relationship with them. But I think what we are seeing is the money coming from central to the area is where we

are having problems.

The CHAIRMAN. I see. Chairman Whitefeather, as with some other witnesses in separate letters that the committee has received, there have been some pretty disturbing comments and accusations, from everything from foot-dragging to actual misuse of funds. I am going to confer with Senator Inouye and probably ask the GAO to look into some of those charges, and I hope to get a little more information.

But I wanted to stand corrected about one thing. A while ago, I in my poor mathematical judgment estimated that 6 percent of \$275 million was around \$8 million. It is not. My very astute staff informs me it is about \$15 million, a considerable amount more. And I think you understand the legislation that was passed, TEA-21, as I do, and that is that all funds are available to tribes for the purpose of contracting and compacting.

What has the Bureau's response been to the request for self-gov-

ernance compacting to you?

Mr. WHITEFEATHER. It is our understanding, when we had a part in the development of the legislation called TEA-21 is that all road program funds were to be available under self-determination and self-governance. The CHAIRMAN. You also charged that the so-called 6 percent of administrative funds are sometimes used for subsidizing non-road purposes. Do you have any evidence of that or any statistical evidence?

Mr. WHITEFEATHER. I would like to ask Mr. Garrigan to respond

to that, please.

The CHAIRMAN. Yes; identify yourself for the record, please.

Mr. GARRIGAN. My name is James Garrigan, I am the director

of the Tribal Roads Program at Red Lake.

Mr. Chairman, those allegations that we got were relayed to me from other people. And without an accounting of the 6 percent administrative funds, we have no way to prove that until we do get an accounting, so we can look at how these funds are actually expended.

The CHAIRMAN. Well, maybe the GAO will be able to find that out. But there has been some people that have alluded that that 6 percent funds has turned into a slush fund for whatever might

arise.

Do you also agree, Chairman Whitefeather, that the Federal Highway Administration should be the lead agency on the reserva-

tion roads program?

Mr. WHITEFEATHER. At this point, I believe that we get a position to do what we can to work within the existing system. But if that is not possible and we continue to run into obstacles every time we make some progress, that may be the only eventual alternative.

The CHAIRMAN. I see. That will conclude our hearing. I appreciate your being here. The record will remain open two more weeks, if there is any additional information, or if you happen to find some proof of misusing that 6 percent, I would like to know about it. I am sure the rest of the committee would, too.

Ms. Thomas. Chairman Campbell.

The CHAIRMAN. Yes, Governor Thomas.

Ms. THOMAS. If I may, you recognized your astute staff. I wondered for the record, regarding the return of the \$12 million, that money had been returned to Washington, and there was no indication that it would ever be returned. But we came back to Washington for several meetings with the Bureau office here, and just within the last few months they did indicate that it was going to be returned.

So there it still sits, we haven't done any construction yet.

The CHAIRMAN. You have been told it was going to be reprogrammed, but it hasn't got there yet?

Ms. THOMAS. Right.

The CHAIRMAN. Thank you. Mr. CHACO. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. Chaco. I also just received a note from my staff. Recently, the Federal Highway conducted a process review of the Navajo BIA office. We would request a copy of that review.

The CHAIRMAN. Okay. With that, I thank you, and this hearing

is adjourned.

[Whereupon, at 12:02 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

## APPENDIX

## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Mr. Chairman, thank you for holding this hearing on how the Transportation Equity Act for the 21st Century, commonly known as TEA-21, affects Indian country. I believe TEA-21 is one of the most significant pieces of legislation passed by Congress this decade. The need to improve our Nation's infrastructure has been brought to our attention time and again. We depend on safe, reliable highways, roads, bridges, and transit systems, and last year we took bold action to provide the resources needed to build, repair, maintain, and improve surface transportation systems and structures.

Our Nation's surface transportation has wide-reaching effects on Americans of all ages in all parts of the country. Children riding on schoolbuses, employees driving to work, businesses shipping products, senior citizens receiving daily meals-onwheels services, and families traveling on vacation all depend upon safe, well-main-

tained roads and bridges.

But we are asking Indian country to make do with roads that are in the worst condition among Federal-aid system roads.

Only 11 percent of the BIA roads are paved and rated in "good" condition. Nearly 90 percent of the unpaved roads are in "poor" condition, which is defined by the Transportation Department as "needs immediate improvement to restore service-

ability

I don't know how many people at this hearing have been on the roads on the reservations in North Dakota, but I can tell you, many of them are barely passable. In the winter and spring, deep snow and mud overwhelm the roads, keeping people from work and children from school. I have heard from tribal elders who in the dead of winter fear that help will not be able to reach them if they are trapped in their homes without food or heating fuel. It is shocking to think that these types of conditions exist in a country with one of the greatest transportation systems in the world.

The Fort Totten Indian Reservation is surrounded by a lake—Devils Lake—that has risen about 25 feet since 1993, inundating many of the major roads in the area. However, the Indian Reservation Roads program often cannot provide enough funding to keep these roads out of the water or to keep the remaining alternative routes

in adequate condition.

Another problem that I would like to highlight is the inadequate amount of funding within the Indian Reservation Roads program for bridges, which is only approximately \$13 million annually. There is a bridge in my state on the Fort Berthold In-dian Reservation—the Four Bears Bridge—that is in dire need of replacement. The Four Bears Bridge was relocated from another site to the Fort Berthold Reservation in 1952 by the Army Corps of Engineers during construction of the Garrison Diversion. Because the bridge is only 22 feet wide, it has been considered functionally obsolete since the day it opened. I have traveled across this bridge on numerous occasions, and, believe me, it is a scary experience.

Local traffic has continued to increase on the bridge, particularly since the tribe's casino opened on the opposite side of the bridge from New Town, ND. Because the

bridge is the only link between the west and east sides of the reservation, it is a vital route for emergency vehicles, schoolbuses, police, and general local traffic. In addition, this bridge is one of only a handful of places to cross the Missouri River

in North Dakota, making this a critical priority within the State.

If the Four Bears Bridge is not repaired or replaced in the near future, there will be serious maintenance concerns to be addressed, including badly peeling lead paint.

According to the North Dakota Department of Transportation, the cost-estimate for the replacement of this bridge is \$43.2 million. When considering that the Indian Reservation Roads program allocation for bridges is approximately \$13 million annually for all bridges in Indian country, we can see how woefully inadequate this level of funding is.

TEA-21 sets the framework for improving, maintaining, and expanding the capacity of our Nation's surface transportation system, but we can see that greater efforts are needed to bring roads in Indian country up to the same standards as roads in other parts of the country. We must not forget: this is ultimately a Federal respon-

sibility.

Again, Mr. Chairman, thank you for holding this important hearing.

#### PREPARED STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

In the late 1950's, BIA road construction and maintenance funding reached a high of \$10 million for the first time in history. The BIA now spends more than twice that amount on maintenance alone. Next year's budget includes about \$26 million for road maintenance in the BIA budget. Indian road construction has been carried out since 1982 with the more consistent aid of our Federal highway trusts funds funded through the gasoline tax.

1979, BIA road budgets (construction and maintenance) reached their peak of al-

most \$80 million, and then fell off rapidly.

In the Surface Transportation Assistance Act of 1982, after my amendment to include Indian tribes in the highway trust fund for the first time in history, the funding levels for IRR stabilized at about \$100 million, through the Highway Trust Fund for years 1984-86.

The 1987 Surface Transportation and Uniform Relocation Assistance Act reduced the annual Trust Fund authorization for Indian tribes to \$80 million for fiscal years

In the ISTEA authorization, many of us in the Senate worked to increase Indian Reservation Roads funding to \$200 million per year, we compromised with the House's lower figure of about \$150 million to achieve an annual funding amount of

\$191 million under ISTEA. This level prevailed from 1992 through 1997.

When ISTEA reauthorization was before us in 1997, Senators Inouve, Campbell, Bingaman, and others joined me in sponsoring S. 437 to increase IRR funding to \$250 million in 1998, \$275 million in 1999, and \$300 million thereafter through 2002. In its final version, the Transportation Equity Act for the 21st Century [TEA-211 allocated \$250 million for 1998, and \$275 million each year from 1999 through 2003 for Indian Reservation Roads.

After 17 years of direct involvement in the funding of Indian Reservation Roads through the Federal Transit Administration of the U.S. Department of Transportation [DOT], I am very pleased with our successes in convincing Congress to increase funding as the needs were made known. We have come a long way since the days that the BIA was the only source of funding for Indian road construction and maintenance. The BIA continues to provide about \$26 million per year for road maintenance, but the construction and bridge funds now come from DOT.

While the funding picture has improved, we still have problems to address. One

that continues to bother me is the "obligation limitation" issue wherein Federal Lands Highways Program money, including IRR funds, are subject to an automatic

reduction that amounted to \$31 million in fiscal year 1999.

This reduction came off the total \$270,875,000 available for IRR (after 1.5 percent or \$4.125 million is allowed from the total of \$275 million for administration by the Federal Highway Administration-FHWA). It was a 11.7 percent reduction (\$31 million), which is substantial, and definitely felt in Indian country.

The purpose of the reduction in the Federal Lands Highways Program is to give States control over a portion of funds for Federal roads on State lands. This makes

sense for most Federal roads, but not Indian Reservation Roads.

I raised this issue with Senator Shelby of Alabama, chairman of the Transportation Appropriations Subcommittee. He initially agreed with me in a colloquy to resolve this issue. When his legal staff reviewed this commitment, the Chairman was told that a "fix" would require an amendment to the authorizing legislation for TEA-21. For those of you who follow Senate procedure, our reinstatement of Rule 16 does not allow us to take this action in an appropriations bill, except in very

strict circumstances

As a result, the final Transportation Appropriations bill we passed in the Senate did not change the "obligation limitation" for the Indian Reservation Roads Program in the Federal Lands Highways section. We were able to add \$18.3 million from another provision in TEA-21 that allows us to add more revenue to programs when gasoline tax collections are up as they have been this past year. This is another little known, but very helpful provision of TEA-21 known as RABA (revenue aligned budget adjustments).

Thus, our new total for IRR funding for the fiscal year 2000 will be \$275 million plus \$18.3 million or \$293.3 million. Unfortunately, this new total, a record high for Federal funding of Indian roads, will still be subject to the obligation limitation. If it is 11.7 percent again, it appears to me that the \$293.3 million will first be reduced by 1.5 percent for FWHA administration or about \$4.4 million. This leaves \$288.9 million subject to a further 11.7 percent reduction, or a \$33.8 million reduc-

tion for fiscal year 2000.

1 want my colleagues to know that I oppose this obligation limitation provision that did not operate in ISTEA, the former authorizing legislation. I hope members of this Senate Committee on Indian Affairs would join me in an effort to amend TEA-21 to hold the IRR funding harmless from this substantial reduction of funds that are needed by the tribes more than the States.

Another concern I have is the manner is which the IRR funds are distributed once the reach the BIA Area Road Engineers. Those of us who seek fairness determining the distribution of these funds are concerned that there is discretion in the Phoenix and Gallup offices that is not consistent with funding formulas.

This problem is especially acute in Phoenix. The Gila River Indian Community and resulted in a \$2.3 million deficit in 1998 alone. This deficit is a clear avoidance

of the intent of the relative needs formula in effect in 1998.

As the negotiated rulemaking continues to create a new formula for TEA-21 I want to ask the BIA leadership, through Assistant Secretary Kevin Gover, to assure this committee that formulas will be applied equitably at the area as well as the national levels when DOT funds are distributed through BIA channels.

Zuni Road Emergency I have recently become aware of a pending request by the Zuni Pueblo of New Mexico for assistance through emergency funding for roads at

the Zuni Reservation that have been severely damaged by flood waters.

I would like Mr. Arthur Hamilton of the Federal Lands Highways Program at DOT to provide me with information about the availability of funds for the Zuni Pueblo to resolve this emergency situation. My office has forwarded details of this situation to DOT.

# TESTIMONY OF ARTHUR E. HAMILTON PROGRAM MANAGER, FEDERAL LANDS HIGHWAY FEDERAL HIGHWAY ADMINISTRATION UNITED STATES DEPARTMENT OF TRANSPORTATION

### BEFORE THE COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE OCTOBER 20, 1999

## OVERSIGHT HEARING ON INDIAN RESERVATION ROADS AND THE TRANSPORTATION EQUITY ACT OF THE 21<sup>57</sup> CENTURY

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before you today to discuss the Department of Transportation's (DOT) implementation of provisions in the Transportation Equity Act of the 21° Century (TEA-21) affecting the Indian Reservation Roads (IRR) program of the Federal Lands Highway Program (FLHP).

#### History

The IRR program was established on May 26, 1928, by Public Law 520 (Codified at 25 USC 318(a)). The act authorized appropriations for survey, improvement, construction, and maintenance of IRR not eligible for Federal-aid highway funding. The partnership with the Bureau of Indian Affairs (BIA) and Federal Highway Administration (FHWA) began in 1930 when the Secretary of Agriculture was authorized to cooperate with State highway agencies and the Department of the Interior (DOI) in the survey, construction, reconstruction, and maintenance of IRR serving Indian lands. The first BIA/FHWA Memorandum of Agreement (MOA) was signed in 1946 and addressed the location, type, and design of all IRR roads and bridges and the general supervision of all such IRR construction. In 1996, the FHWA entered into a Stewardship

Plan with BIA, similar to the plans under which the FHWA delegates oversight of Federal-aid highway projects to the States.

TEA-21 reaffirmed the Federal Government's commitment to providing safe and efficient access to and within Indian lands and Alaskan native villages by authorizing \$1.6 billion in funding for the IRR program for Fiscal years 1998-2003. TEA-21 also strengthened the commitment of the Federal Government to increasing the involvement of Native Americans in transportation programming and planning by, for example, clarifying that funds under the IRR program shall be available to tribal governments from the BIA for direct contracting of transportation projects.

### Increasing Tribal Involvement

The Department of Transportation is committed to building more effective day-to-day working relationships with Indian tribal governments reflecting respect for the rights of self-government and self-determination, based on principles of tribal sovereignty.

In February 1998, the FHWA Indian Issues Task Force issued a report entitled "Guidance on Relations with American Indian Tribal Governments," that provides a framework for FHWA to establish and enhance its government-to-government relations with Indian tribes. This report was distributed to all FHWA field divisions.

In addition, the Department of Transportation is finalizing its policy for working with tribal governments. The policy is being issued as a DOT Order developed by a ONE DOT Task. Force. This Order will implement President Clinton's Memorandum on Government-toGovernment Relationships with Native American Tribal Governments and his Executive Order No. 13084, "Coordination and Consultation with Indian Tribal Governments." We expect to issue this DOT order in November during Native American Heritage Month.

#### Transportation Planning Procedures

As part of the requirements in 23 USC 204(j) to develop transportation planning procedures for the IRR Program, the FHWA and the BIA, in consultation with the tribal governments, developed the "Indian Reservation Roads Program Transportation Planning Procedures and Guidelines (TPPG)." The document is now available as interim guidance effective this month, October 1999.

The TPPG represents a combined effort to define the transportation planning function under the IRR Program. The document explicitly states what is guidance for Indian Tribal Governments and what is a procedural requirement of the law consistent with 23 U.S.C. Section 204(j), "Indian Reservation Roads Planning," and Public Law 93-638, "The Indian Self-Determination and Education Assistance Act," as amended. It also clarifies policies related to funding issues and eligible activities and defines the relative transportation planning roles and responsibilities of the BIA and Indian Tribal Governments. The TPPG, developed in conjunction with tribal transportation planners, represents a good basis for tribes entering into planning activities with other tribes, as well as with State and local governments.

In August 1999, we began conducting training on the IRR transportation planning procedures in cooperation with the BIA and Tribal Technical Assistance Program (TTAP) Centers. We will be holding a series of two-day workshops offered in all 12 of the BIA regions.

State transportation planners are also participating in these workshops.

#### Tribal Technical Assistance Program Centers

Section 5104 of TEA-21 continued the requirement that we establish local Tribal

Technical Assistance Program Centers. We now have cooperative agreements with Colorado

State University, Eastern Washington University, Michigan Technological University, Oklahoma

State University, and the United Tribes Technical College in Bismarck, ND, and provide funding to the State of Alaska Center. These TTAP Centers provide training and education workshops for Tribal Governments and disseminate information on issues related to the IRR Program and road maintenance.

### IRR Bridge Program

Section 1115 of TEA-21 amended title 23 USC to require the Secretary to establish a nationwide priority program for improving deficient IRR bridges, using a set-aside of not less than \$13 million of IRR funds per year.

In order to develop guidance for the Indian Reservation Roads Bridge Program (IRRBP), the FHWA solicited comments through informal meetings with tribal representatives in December 1998. An IRRBP Federal Register Notice was published on February 12, 1999, policiting comments on project selection and fund allocation procedures. Comments were received from tribal governments, BIA offices, and county and State DOT offices. An Interim Final Rule was published on July 19, 1999.

During fiscal year 1999, we funded all of the eligible 11 deficient IRR bridge projects that were submitted, using about \$8.9 million of the IRRBP funds.

In cooperation with the BIA and the Indian technical centers, we are conducting training sessions on the program procedures and encouraging Indian tribal governments to identify their deficient bridges so that they can apply to obtain funding to repair or replace the bridges.

#### Negotiated Rulemaking

Section 1115 of TEA-21 required the development of a funding formula and IRR

Program procedures using negotiated rulemaking with Indian tribal governments. Two days
after TEA-21 was signed, FHWA sent a letter to the Department of the Interior requesting a
meeting to discuss this rulemaking. As a result of this and subsequent meetings, the BIA: (1)
hired the Federal Mediation and Conciliation Service to facilitate the rulemaking, (2) established
a process for selecting tribal representatives for the committee, (3) developed an agenda for an
informational meeting with tribal governments, and (4) established the 42 member rulemaking
committee. Secretary Slater designated three FHWA employees to serve on the rulemaking
committee. These employees are participating in the rulemaking committee and work group
meetings. The Department remains fully committed to providing the necessary staff and IRR
funding needed to complete this rulemaking. Additional information on the rulemaking is being
provided to you by the BIA.

#### Metlakatla IRR Project

Before concluding, I would like to highlight one specific example of the Department's progress in carrying out Congress's directives in TEA-21. The Walden Point Road construction project for the Metlakatla Indian Community (MIC) of Alaska illustrates the diversity of the IRR program and successful program delivery through joint agency and tribal efforts.

The Walden Point Road project consists of constructing fourteen miles of roads and bridges to link Metlakatla with the Alaska Marine Highway System and with the proposed ferry terminal point at the northern end of Annette Island, improving transportation access to the rest of Alaska. The ferry system is part of the State's Southeast Alaska Transportation Plan, which includes two new terminal facilities and a ferry boat. The project also includes the relocation of power facilities in conjunction with the road construction. The completed project will provide economic opportunity to the Metlakatla Indian Community through the prospective sale of power to Southeast Alaska and by improving access to Ketchikan, the nearest port city and a major stopping point for cruise ships.

FHWA is the lead agency for this project. We cooperate with the Department of Defense (DOD), the Metlakatla Indian Community (MIC), the Alaska Department of Transportation and Public Facilities (ADOT&PF), and the BIA. Our Western Federal Lands Highway Division (WFLHD) is providing bridge design services for the project, while the BIA has provided the funding for the bridge design services and the work associated with the archeological and NEPA processes. Through its Innovative Readiness Training Program, the DOD is providing the heavy equipment and active duty forces for road construction operations.

The funding within the Indian Reservation Roads (IRR) Program alone is not adequate to accomplish the Metlakatla Project. We have also provided Public Lands Highway Discretionary funds to this project. Through new partnering of Federal agencies and tribal entities, leveraging of funds, and flexibility in funding, this joint effort is making expanded transportation access to Metlakatla possible.

#### Conclusion

To conclude, we are working hard to implement the IRR provisions of TEA-21 as quickly and effectively as possible, and we believe that implementation has gone smoothly. However, we recognize that transportation is a critical tool for tribes to improve the quality of life in their communities to and that there are still many challenges to overcome. The Department of Transportation will continue to do its best to meet tribal expectations. We look forward to working with this Committee to ensure that remaining issues are addressed in a timely, effective, and responsive manner.

Mr. Chairman, this concludes my prepared remarks. I will be glad to answer any questions you or other Committee Members may have.

# Post-Hearing Questions October 20, 1999 Hearing on the Indian Reservations Roads Program from Senator Inouye for Arthur Hamilton, Program Manager, Federal Lands Highway Program Federal Highway Administration

QUESTION: On page five of your testimony it states that in Fiscal Year 1999, you funded 11 reservation bridge projects using about \$8.9 million of \$13 million set aside for bridges.

What happened to the unspent balance of about \$4.1 million?

Was it carried over into Fiscal Year 2000 for use on bridge projects?

ANSWER: The unspent \$4.1 million of Indian Reservation Roads (IRR) bridge funding was carried over into Fiscal Year 2000 and is available for use on eligible bridge projects.

QUESTION: Several tribal witnesses testify that the Coogress should transfer the entire Bureau of Indian Affairs roads program to the Federal Highway Administration as a way to eliminate red tape and make more money available for road and bridge construction.

Do you think there is merit to this suggestion?

ANSWER: The Bureau of Indian Affairs owns many of the roads for which the IRR program provides funding and, as the owner, must be involved in road construction and maintenance decisions. Therefore, we do not think it would be appropriate to transfer the program to the FHWA.

The Federal Highway Administration works closely with the BIA to accomplish the purpose of the IRR program, which is to provide safe and efficient transportation and public road access to and within Indian reservations. Alaska Native villages, trust or restricted lands, while increasing tribal involvement in transportation planning and project implementation. We are aware that the tribes are frustrated with funding allocations and the amount of available resources. We have also been listening carefully to the concerns regarding the IRR program, voiced by tribal representatives at the October 20th bearing and in other forums

Let me assure you that we are committed to working with the BIA and with tribal governments to improve program delivery. Administering a program the size of the IRR program, that affects so many tribes all across the country, at a time when available resources are insufficient to meet all demands, poses a significant challenge. However, we will strive, through our partnership with the BIA, to ensure that all issues raised by the tribes are addressed. In doing so, we will consider alternative ways of doing business that address and improve program delivery.

STATEMENT OF ROBERT BARACKER, DIRECTOR, SOUTHWEST REGIONAL OFFICE, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS OVERSIGHT HEARING ON INDIAN RESERVATION ROADS AND THE TRANSPORTATION EQUITY ACT IN THE 21 ST CENTURY (TEA-21)

#### October 20, 1999

Good morning, Mr. Chairman and Members of the Committee. My name is Robert Baracker, the Director of the Bureau of Indian Affairs Southwest Regional Office. I serve as the designated Federal official for the TEA-21 Negotiated Rulemaking Committee. With me today is Leroy Gishi, the Division Chief for the Bureau of Indian Affairs (BIA)Transportation Program.

I am pleased to be here to provide you with an overview of the status of the BIA Indian Reservation Roads (IRR) program and the impact of the Transportation Equity Act of the 21\* Century (TEA-21) on transportation programs for Indian people.

#### BACKGROUND

The IRR program was established on May 26, 1928, by Public Law 520, 25 USC 318(a). The Act authorized appropriations for survey, improvement, construction, and maintenance of IRR that were ineligible for Federal-aid highway funding. The partnership with the BIA and FHWA began in 1930 when the Secretary of Agriculture was authorized to cooperate with the State highway agencies and the Department of the Interior (DOI) in the survey, construction, reconstruction, and maintenance of IRR serving Indian lands.

The Federal-aid Highway Act of 1936, Public Law 686, Section 6, required that FHWA approve the location, type, and design of all IRR roads and bridges to be constructed using BIA funds. This requirement was also contained in Section 10(c) of the Federal-aid Highway Act of 1944, Public Law 521. The first BIA/FHWA Memorandum of Agreement was executed in 1946. In 1958, the laws related to highways were revised, codified, and reenacted as Title 23, USC by Public Law 85-767. The new title contained a definition of IRR and bridges and a section on IRR.

Between 1930 and 1982, Congress appropriated funds for the IRR in the Department of the Interior's (DOI) appropriations acts. Public Law 97-424, the Surface Transportation Assistance Act of 1982, incorporated the IRR program into the Federal Lands Highway Program (FLHP) and provided funding from the Highway Trust Fund. It also repealed Section 208 of Title 23. The law also made the IRR program subject to the other provisions of Title 23.

Under Title 23, the FHWA was required to (1) approve plans, specifications, and estimates (PS&E) for transportation projects, (2) monitor the work in progress, and (3) conduct a final inspection of the projects. Under 23 USC 117, Certification Acceptance, the State highway agency and the BIA could get a waiver from PS&E approval and project monitoring.

In 1991, Congress enacted the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, Public Law 102-240. ISTEA made changes to the IRR program and created a set-aside of Highway Bridge Replacement and Rehabilitation Program funds for Indian reservation bridges.

With the enactment of the TEA-21, the IRR program was modified to include a Nationwide Priority Program for improving IRR deficient bridges, and a negotiated rule-making with Indian Tribal governments as required for IRR program procedures and the "relative need" funding formula. [1115(b)] Tribes will continue to contract for IRR projects under the Indian Self-Determination and Education Assistance Act provisions. The one percent set-aside of Bridge Replacement and Rehabilitation program funds for deficient IRR bridges established in ISTEA were eliminated. In addition, IRR funds may be used for transit facilities within Indian reservations. [1115(d)]

#### IRR PROGRAM DESCRIPTION

The IRR program is authorized under the FLHP, 23 U.S.C. 204, and the use of IRR funds is also defined within 23 U.S.C. 204. The TEA-21 authorized funding level is \$275 million for each of fiscal years 1999 through 2003. The program is jointly administered by the BIA Division of Transportation (BIADOT) and the Federal Lands Highway (FLH) of the FHWA.

The purpose of the IRR program is to provide safe and adequate transportation and public road access to and within Indian reservations, Indian lands and communities for Native Americans, visitors, recreationists, resource users and others while contributing to economic development, self-determination, and employment of Native Americans.

As of June 1999, the IRR system consisted of about 41,430 kilometers (25,700 miles) of BIA and Tribal owned roads and 41,270 kilometers (25,600 miles) of state, county and local government public roads and 1 ferry boat operation (Inchelium-Gifford Ferry of Washington).

From the \$275 million annual authorization, the FHWA reserves up to 1,5 percent for FHWA administration costs and \$13 million for the Nationwide IRR Bridge Program. The BIADOT and the FLH develop a plan for using the remaining funds. This plan includes operating expenses for the Federal Lands Highway Coordinated Technology Implementation Program (CTIP); the Local Technical Assistance Program (LTAP) centers for Tribal governments, and Bla administration (not to exceed 6 percent, as authorized in the annual DOI Appropriation Act). The BIADOT administers transportation planning studies for the reservations, bridge inspections, and pays for inventory updates, training, and atlas mapping. An additional 2 percent of the IRR funds are set-aside for transportation planning by Tribal governments.

The current joint BIA and FHWA approved formula is the Relative Needs allocation formula. The BIA distributes the construction funds to the 12 BIA Regional Offices. The formula is based on 20 percent population, 30 percent vehicle miles traveled (Average Daily Traffic x mileage), 50 percent cost-to-improve (the cost it would take to bring the road up to a given standard). This formula was approved for implementation after public notice and consultation with Tribes on a national level in

1993. In order to minimize the impact to Tribal projects, the formula was phased in over a 4-year period, 1993 through 1996. This replaced an allocation formula used since 1970, which was based on 1/3 population, 1/3 land area, and 1/3 road mileage.

The Indian Tribal governments develop and submit a priority list of projects to the BIA Regional Office which includes a letter of approval or Tribal resolution. The BIA gathers these project lists and develops a minimum 3-year transportation improvement program (TIP) for IRR and Bridge Replacement funds. The BIA reviews, approves and submits these TIPs to the FLH for approval. The approved project list includes the eligible projects for funding. The majority of the IRR funds are spent improving the BIA and Tribal public roads. Through cooperative agreements with the states and counties, IRR funds are also spent on Tribally prioritized projects for improving other roads on the IRR system.

The design of projects is performed by the BIA, Tribal governments, other Federal agencies, consultants, or State and local governments. In FY 1995, about 35 percent of the IRR construction was performed by Indian Tribal governments under Public Law 93-638 contracts, approximately 40 percent were done by Buy-Indian Act contractors, and approximately 15 percent was performed using Indian labor under BIA force accounts. In FY 1998, the percentage of Public Law 93-638 contracts increased to 50 percent, while the work performed under the Buy-Indian Act contractors decreased to 13 percent and the BIA force account laborers increased to 29 percent. The remaining projects were constructed by highway contractors selected by other methods.

#### DESCRIPTION OF THE IRR MAINTENANCE PROGRAM

In 1951, Congress began appropriating general funds for the maintenance of BIA owned roads in the annual DOI appropriations acts. To comply with 23 USC 204, the DOI includes maintenance appropriations in their annual budgets. As a condition for the continuance of Federal Lands Highway funds (Highway Trust Funds) for improvements and in accordance with 23 USC 116, the BIA Regional and Agency Offices are responsible for proper maintenance of BIA roads (using DOI funds) to protect the public investment and provide safe transportation for Tribal members and the general public.

The BIA currently receives about \$25.5 million per year for maintenance. On average this amount is less than \$500 per mile of road. Comparable state agencies estimate the maintenance need at about \$4,000 to \$5,000 per mile. The lack of proper maintenance is becoming evident in the frequency of reconstruction activities because roads are deteriorating prematurely. The BIA estimates that \$100 million per year is needed to adequately maintain BIA owned roads. The maintenance funds are allocated to BIA Area Offices by formula. The actual maintenance activities are performed by BIA, Indian Tribal governments under Public Law 93-638 contracts, compacts, inter-governmental cooperative agreements, or by other methods.

#### TRANSPORTATION PLANNING

The key to the success of program delivery in recent years and the future is largely dependent on the transportation planning. Transportation planning on Indian reservations and lands is a cooperative effort involving Indian Tribal governments and the BIA. Transportation planning is the development of strategies for the design, construction, operation, and maintenance of transportation facilities for moving people and goods in a village, town, pueblo, rancheria, city, borough, county, township, parish, metropolitan area, Indian reservation, State, multi-State region, or country. Through the transportation planning process Tribal governments have developed long-range transportation plans, prioritized projects, Transportation Improvement Programs, and updated their IRR inventory. In FY 1998, Tribal governments contracted [5] transportation planning projects.

#### PROJECT DEVELOPMENT

This functional area covers the scoping, development, review, and approval of projects identified on the 3-year IRR TIP. The BIA Regional Offices, in cooperation with Tribal governments, have the primary responsibility for the development of projects.

Project development is necessary to improve the condition of highway infrastructure and to improve safety, address environmental, archeological, and right-of-way concerns, ensure compliance with all Federal, State and Tribal statutes, and the engineering necessary to prepare Plans, Specifications and Estimate's for highway and bridge construction projects on the IRR system. In FY 1998, approximately 390 projects were undertaken by the BIA and Tribal governments at an estimated cost of \$230 million.

#### BRIDGES

The IRR bridges consist of bridges which are BIA owned and non-BIA owned. These bridges must be on public roads which meet the definition of an IRR. Most of the IRR bridges that are on or provide access to Indian reservations are owned or maintained by states, counties or local governments. There are 745 bridges owned and maintained by the BIA in 30 states.

The BIA-owned bridge maintenance is funded under the DOI appropriations and is included under the general heading of "maintenance." It is considered a line item along with road maintenance, snow removal, ferry boat service, and airstrip maintenance. All BIA bridges are inspected every 2 years by the BIADOT. All BIA bridge piers are inspected under water every 5 years.

The IRR Nationwide Priority Program of Bridges funding and HBRRP (repealed with the TEA-21 Restoration Act, July 24, 1998) funds can be used for the replacement or rehabilitation of IRR bridges that meet the eligibility criteria. From 1992 through 1998, approximately 170 IRR bridges have been replaced or rehabilitated.

#### PROGRAM ACCOMPLISHMENTS

Since the modern era of transportation development in Indian country, the Highway Trust funded IRR program has provided the basis for an ever growing need in Indian reservations, communities and lands across this country.

Since 1992 through 1997, the IRR program has built, reconstructed or improved on the average 200 miles of roads per year on or near Indian Reservations, villages and communities. During this same period, many bridges have been built, replaced or rehabilitated. As much as 50 percent of these bridges were part of cooperative agreements with State and local governments for bridges serving Indian communities and lands.

During this same period, as much as 94 percent of the available funds authorized have been directed toward the planning, design and construction of road projects. Through 1998, 77 percent of the funds authorized for the program are directed into the actual projects impacting Tribal priorities. According to the Federal Lands Highway program, this percentage is the highest of the federal land management agencies participating in the 23 USC programs.

These statistics are important when one considers the existing construction need inventory, which is estimated at \$6.6 billion. The construction need is the estimated cost to improve roads to an acceptable standard based on usage and capacity. Approximately two-thirds of the BIA road system are earth roads, of which 75 percent are unimproved earth roads. The remaining paved roads are reconstructed and resurfaced well in advance of the their design life because of the lack of maintenance. Simply stated, we are reconstructing and resurfacing roads on an interval of 7-8 years when the norm should be 10-15 years.

#### TEA-21 OUTREACH MEETINGS

The United States Department of Transportation has successfully completed a series of TEA-21 national outreach sessions to consult with its partners and customers before the implementation of the majority of TEA-21. These national outreach sessions were scheduled from July through November of 1998 and conducted by Federal Land Highway staff in conjunction with the BIA Division of Transportation Office. In addition to the DOT outreach meetings, the BIA and InterTribal Transportation Association (ITA) held five regional town hall meetings on the implementation of TEA-21 as well as the transportation needs of Tribal governments into the 21<sup>st</sup> century. Each town hall meetings produced a consensus report that represented a statement by the participating Tribes and local/state transportation agencies on the needs and recommendations for transportation affecting Indian people. These town hall meetings conducted by the ITA were favorably received by Tribal representatives as a mechanism that provided them some ownership in defining their transportation concerns by consensus. These Tribal transportation town hall meetings were modeled after the New Mexico Town Hall meetings process. As a follow up to these meetings, ITA is working with those regions on an implementation plan. The ITA brought together the Tribal and non-Tribal governments in an effort to foster greater cooperation at the decision making level

of Tribal government. They are to be commended for their leadership in the Tribal transportation arena.

#### REGULATORY NEGOTIATIONS WITH TRIBAL GOVERNMENTS

Regulatory Negotiations with Tribal governments on the establishment of a funding formula and program procedures. The TEA-21 highway reauthorization legislation was enacted on June 9, 1998. The Act included an increase in funding (51.6 Billion) for the IRR program. In addition, TEA-21 also provided for the establishment of a funding formula and program procedures through a government-to-government negotiated rulemaking (Negotiated Rulemaking Act of 1990) process with Tribal governments.

On November 15, 1998, a National Informational Meeting on Section 1115 of the Transportation Equity Act for the 21st Century (TEA-21) was held in Albuquerque, NM. This informational meeting was one of the first outreach meetings of any public agency required by TEA-21. A Notice of Intent To Form a Negotiated Rulemaking Committee and Accept Applications for Membership Under Section 1115 of TEA-21 was announced shortly thereafter. Nominations were submitted by the Tribes within the 12 BIA Regions for consideration and appointment as committee members and alternates to the Secretary of the Interior. Nominations submitted by Tribes and appointed by the Secretary were published and a request for comments was issued. Committee Representation (29 Tribal representative, 13 Federal) consists of small, medium and large Tribes.

On March 16-18, 1999, the first meeting of the Committee was scheduled and held in Albuquerque, NM. In less than 8 months from the full enactment of TEA-21, the Negotiated Rulemaking Committee was fully assembled. Eight meetings have been held in various locations throughout the country. After 8 meetings, the committee has established a new time line for completing the formula and the program regulations by November 2000.

Four workgroups have been established by the Committee to accomplish the task of developing regulations and a funding formula. The workgroups are specifically addressing the funding formula; the technical and construction standards; policy, and delivery of services for the IRR program.

#### CONCLUSION

The challenges for the future of the IRR program will continue to be our ability to meet the IRR construction and backlog need. The IRR program will need to become a true multi-modal program to address all the needs of Indian Country. In conclusion, Mr. Chairman, I would like to share some success stories of the diversity of the IRR program and its implementation at the tribal level.

#### BIA FORCE ACCOUNT CONSTRUCTION

A part of the construction work performed includes government force account construction. The

Force Account construction program provides another method of meeting the construction needs for Tribes in the Rocky Mountain Region of the BIA. Indian Reservation Roads funds made available in TEA - 21 have made a substantial impact in improving the transportation systems on reservations in Montana and Wyoming. In addition to constructing roads it employs Tribal members and provides construction skills development to the impacted Tribal governments.

The BIA Rocky Mountain Regional Office's Force Account Construction Program employs approximately 220 individuals and has a biweekly payroll of \$472,270.00. Although this fluctuates some in early spring and late fall, the majority of these employees realize several months of work during the construction season. This employment has had a substantial affect on the local economy at the reservation level and plays a major roll in reducing the general assistance programs there. Additionally, it provides training, individual worker self-esteem and supports their tribal economy.

The BIA Rocky Mountain Region has the only force account paving operation in the BIA and annually paves 40 to 60 miles of road. The asphalt plant this construction season has completed projects on four reservations and has paved or overlayed 46 miles of road. In addition, 27 miles of rural roads, 14 miles of urban streets, 27 miles of curb and gutter, 27 miles of sidewalk and public driveways were constructed.

#### METLAKATLA ROAD CONSTRUCTION PROJECT

The Walden Point Road project for the Metlakatla Indian Community of Alaska consists of fourteen miles of roadway and several bridges that will cut across mountainous terrain and link the town of Metlakatla to the proposed ferry terminal point at the northern end of Annette Island. The ferry system is part of the State's Southeast Alaska Transportation Plas, which includes a provision of two new terminal facilities and a ferry boat. The project also includes the relocation of power facilities in conjunction with the road construction.

The completed project will provide economic opportunity to the Metlakatla Indian Community through the prospective sale of power to Southeast Alaska and by improving access to Ketchikan, the nearest port city and a major stopping point for cruise ships. The project is a model of interagency cooperation and is jointly operated by the Department of Defense (DOD), Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration, Metlakatla Indian Community, and the BIA. The Innovative Readiness Training Program under the DOD is providing the heavy equipment and active duty forces for road construction operations. The WFLHD is providing bridge design services for the project, while the BIA has provided the funding for the bridge design services and the work associated with the Archeological and NEPA processes. The funding within the IRR program is not adequate to accomplish this project alone. The participation of the other agencies is an example of the need for continued cooperation among federal agencies in the development of responsive IRR programs.

#### NAVAJO REGION ROADS PROGRAM

The transportation program at the Navajo Region of the BIA is unique in that it fully utilizes self-determination contracting, Buy-Indian Act contracting and BIA Force Account construction. For the period from 1992 to 1998, the Navajo Region in conjunction with the Navajo Nation utilized Public Law 93-638 in contracting road construction projects. Approximately 40 percent of the total program is contracted by the Navajo Nation, utilizing their construction enterprise and the Navajo Engineering and Construction Authority (NECA). Approximately 26 percent of the program performed under a government force account and the remaining 34 percent was accomplished through the Buy-Indian Act contracting method. The Navajo Region IRR program totals approximately \$60 million annually.

The number of Tribal members employed at the Regional office is about 320 engineering and construction inspection staff. An average of 100 Tribal members are employed annually for the force account operations. Under Buy-Indian Act contracting, approximately 10-20 individuals (generally Tribal) are employed depending upon the size of the projects. All together this represents a total Tribal work force of over 400 members.

#### EASTERN BAND OF CHEROKEE INDIANS HIGH PRIORITY PROJECT

The Eastern Band of Cherokee Indians (EBIC) have entered into an agreement with the State of North Carolina Department of Transportation to improve US 19 from Cherokee, NC to Maggie Valley, NC. This project was identified as a TEA-21 High Priority Project and is estimated to cost \$18 million. The Tribe is providing the 20 percent local match (\$3 million) along with the TEA-21 authorized \$15 million from the State of North Carolina to perform all the work associated with this improvement, including the widening, realignment and paving of US 19. The project will be phased in over a 4 year period, beginning this year. The EBIC has established a transportation department that is administering this project and is participating with the State of North Carolina in a project that impacts the quality of life of not only Tribal members but the traveling public. This is a tremendous example of the benefits of the flexibility of IRR funding and a Tribal government who has shown it's ability to assume the responsibility for their roads program.

#### RED LAKE BAND OF CHIPPEWA INDIANS SELF GOVERNANCE COMPACT

As part of the implementation of Title IV of the Indian Self-Determination and Education Act as amended. The Red Lake Band of Chippewa Indians proposed a pilot project to fully utilize self-governance compacting procedures and include their portion of the IRR program within their Annual Funding Agreement in FY 1999. This pilot is part of a comprehensive effort to have Tribal governments manage the effort to improve the condition of roads and bridges serving Indian lands. We recognize that transportation is key to improving the economic infrastructure in any community and that Tribes can reap the economic benefits of managing and performing the work themselves.

The BIA and the FHWA worked with the Red Lake Band of Chappewa Indians to develop a pilot agreement whereby the Tribe will assume the planning, design and construction work on their sections of the 50,000 mile Indian Reservation Road (IRR) system. The agreement will enable the Tribe to manage the \$2.2 million associated with their FY 1999 IRR program.

Thank you for allowing me to share these success stories with you today. I will be happy to answer any questions you may have.



## United States Department of the Interior

OFFICE OF THE SECRETARY Washington, D.C. 20040

Honorable Ben Nighthorse Campbell Chairman, Committee on Indian Affairs United States Senate Washington, DC 20510-6450

Dear Mr. Chairman:

I am pleased to provide the responses to the supplemental questions submitted by Vice-Chairman Daniel K. Inouye following the Committee on Indian Affairs' oversight hearing on Indian Reservation Roads (IRR) and the Transportation Equity Act for the 21st Century (TEA-21) held on October 20, 1999.

Should you have any questions, please contact my office at (202) 208-5706.

Sincerely,

Assistant Societary - Indian Affairs

Enclosure

ce: Daniel K. Inouye Vice-Chairman The Transportation Equity Act set April, 1999, as the deadline for producing new rules for allocating funds through a negotiated Rulemaking with tribes. Obviously, that deadline has passed.

Question 1: How much more time do you think it will take to complete the negotiated rulemaking process?

Answer:

At least one more year. The Committee, which consists of 29 Tribal and 13 federal representatives, recently established a new time line for the completion of the regulatory negotiations. (Attached).

Question 2: What, in your view, are the principal obstacles to reaching agreement on new rules?

Answer:

In my view, the principal potential obstacle to reaching agreement on new rules for the IRR program is the rulemaking committee not reaching consensus on a new funding formula.

Question 3: In your view, did the Congress intend that the negotiated rulemaking process for TEA-21 produce a new formula for allocating transportation funds or just make changes in the existing formula?

Answer:

The legislative history indicates that Congress intended that we develop a new formula, however this does not preclude the modification of the existing formula so long as it meets the statutory criteria.

The law provides that the BIA may use up to 6 percent of its contract authority from the Federal Highway Trust Fund for road program management costs.

Question 4: To your knowledge, has the BIA exceeded this 6 percent ceiling for various management purposes?

Answer:

To my knowledge, the BIA has not exceeded the six percent ceiling for its contract authority. I understand that over the last seven years the BIA has used about 4 to 6 percent.

Question 5: Does the BIA transfer any of these "6 percent" management funds to tribes to cover management functions previously performed by BIA. If not, why not?

Answer:

No. The BIA has not transferred program management functions to the tribes under Public Law 93-638, since these funds are used for non-project program management functions when they are performed by the BIA on behalf of the FHWA. These management functions are not performed by Tribes who take on one or more IRR. projects. Please reference our answer to Chairman Campbell's second question for a list of these functions.

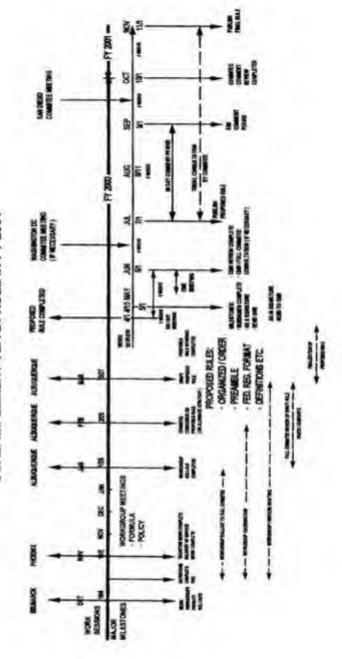
Question 6: If tribes contract to administer more than half of the Indian share of Federal Highway funds, would the BIA still need to use the full 6 percent set aside for program management costs? Why?

Answer: No. The BIA generally uses less than 6 percent, and the balance is used for construction. The BIA must continue to carry out non-project specific management functions on behalf of the FHWA whether the IRR projects are performed under direct service, BIA force account, Buy-Indian Act contracting, self-governance compacting or self-determination contracts.

(ATTACHMENT FOR QUESTIONS SUBMITTED BY THE SENATE COMMITTEE ON INDIAN AFFAIRS - Daniel K. Inouye)

# REVISED COMMITTEE TIMELINE FOR THE COMPLETION OF NEGOTIATED RULEMAKING UNDER TEA-21

REG-NEG TIMELINE & MAJOR MILESTONES
GOAL: IMPLEMENT TEA-21 RULE IN FY 2001



(ATTACHMENT FOR QUESTION #2 SUBMITTED BY THE SENATE COMMITTEE ON INDIAN AFFAIRS)

"IRR PROGRAM MANAGEMENT AND OVERSIGHT"

#### Indian Reservation Roads

Program Management and Oversight

in 1983 Congress had to decide how to cover the BIA administrative costs of the IRR program The two options were:

- Use BiA budget funds from the Annual Appropriations for DOI
- Take funds out of the IRR program.

Program Management and Oversight Language in the Annual DOI Appropriations Act:

\*Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau.\*

Program Management and Oversight Language in the Annual DOI Appropriations Act:

This provision allows the Secretary of the Interior to fund his responsibility for administering the IRR program in partnership with the Secretary of Transportation. The Program Management and Oversight functions are non-project related and include the following:

#### Non-Project Related Functions

- · Dienepit and program reviews
- Develop and approve organization
- Approval of Transportation Improvement Programs.
- · Renew and approve the IRR memory
- etion the Nill (bridge) detailuse
- Develop procedures for management systems
   Develop and maintain funding duringles and destroy
- · Allocate Old funding
- Provided TA as requested by AmarApercy/Teles
   Continues with State, reporter and local government
- Devolutional intragency agreements
   Develop cardin schedulars/TPs

## Non-Project Related Functions

- Development Aves Brooks
- . Develop Annual Chapation report on progress acco Develop reports on the propert expenditures and promounts for GPRA.
- · Respond toleramian data for usings
- Natural program hardening for
- · Habour Science Symmes Programs.
- · Public Carola Inglivery's Discretimany Progres
- \* Transportation Entransported Programs
- \* Total Telbecal Assettena Program
- \* Reconsporter Travel and Tourism.
- \* Transa Program
- · Eltro Program
- Parappasie in Prayerinal realized meetings

#### Non-Project Related Functions **Eminat**

- Time Technica Assemblia Program (TTAP) assembled frough states at \$400,000.
   SULTIME training development.

#### Oversight and program reviews

- 23 USC 106 (c) ASSUMPTION BY STATES OF RESPONSIBILITIES OF THE SECRETARY.—
- (3) AGREEMENT —The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this subsection.
- Procedures defined in the FHWA/BIA IRR Stewardship Plan, August 1996

#### Develop and approve regulations

• 23 USC 202(d) INDIAN RESERVATION ROADS— (8) REGULATIONS—Notwithstanding sections \$53(a) and \$55(a) of tills 5, the Secretary of the Interior shall issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year under this paragraph, in accordance with a negotiated natemaking procedure under subchapter (8) of chapter 5 of title 5. The regulations shall be issued in final form not later than October 1, 1999, and shall take effect not later than October 1, 1999.

#### Develop and approve regulations (cont.)

•23 USC 204(f) All appropriations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations, and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

#### Develop and approve regulations (cont.)

 23 USC 294 (a)(2) TRANSPORTATION PLANNING PROCEDURES —In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the micropolitan and stutewate planning processes required under sections 134 and 135.

#### Approval of Transportation Improvement Programs

 23 USC 204 (a) (3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—

The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

#### Approval of Transportation Improvement Programs

•23 USC 204 (c) Before approving as a project on an Indian reservation road any project eligible for funds apportioned under section 104 or section144 of this title in a State, the Secretary must determine that the obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads, of a fair and equitable share of funds apportioned to such State under section 104 of this title.

#### Review and approve the IRR inventory

 23 USC 202 (d) INDIAN RESERVATION ROADS.—

(1) FOR FISCAL YEARS ENDING BEFORE OCTOBER 1, 1999 —On October 1 of each liscal year ending before October 1, 1999, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation roads according to the retailive needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.

#### Develop and approve design standards

\*23 USC 109 (a) COMPLIANCE WITH STATE LAWS FOR NON-NHS PROJECTS.— Projects (other than highway projects on the National Highway System) shall be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

#### Maintain the NBI (bridge) database

• 23 USC 144 (c) (3) INVENTORY OF INDIAN RESERVATION AND PARK, BRIDGES — As part of the activities carned out under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, shall (A) inventory all those highway bridges on Indian neservation roads end park roads which are bridges over waterways, other topographical barriers, other highways, and ratinoids, (8) classify them according to senviceability, safety, and essentiality for public use, (C) based on the classification, assign each a priority for replacement or mehabilitation, and (D) determine the cost of replacing each such bridge.

#### Development of management systems

 23 USC 204 (a) (6) DEVELOPMENT OF SYSTEMS.—

The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.

## Develop and maintain funding formulas and database

•23 USC 202 (d) INDIAN RESERVATION ROADS.—

(1) FOR FISCAL YEARS ENDING BEFORE OCTOBER 1, 1999.—On October 1 of each fiscal year ending before October 1, 1999, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation roads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.

#### Allocate IRR Funding

• 23 USC 20Z (d) INDIAN RESERVATION ROADS.—

(1) FOR FISCAL YEARS ENDING BEFORE DCTOBER 1, 1999.—On October 1 of each fiscal year ending before October 1, 1999, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation toads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.

#### Provided TA as requested by Area/Agency/Tribe

PL 93-638 Sec. 105 (m) (2) In providing technical assistance to tribes and tribal organizations in the development of construction contract proposals, the Secretary shall provide, not later than 30 days after receiving a request from a tribe or tribal organization, all information available to the Secretary regarding the construction project, including construction drawings, maps, engineering reports, design reports, plans of requirements, cost estimates, environmental assessments or environmental impact reports, and archaeological reports.

#### Provide TA as requested by Area/Agency/Tribe (Cont.)

 PL 93-538 Sec. 105 (m) (3) Prior to finalizing a construction contract proposal pursuant to section 450f(a) of this 18te, and spon request of the tribe or tribal organization that submits the proposal, the Secretary shall provide for a precontract negotiation phase in the development of a contract proposal.
 Such phase shall include, at a minimum, the following elements:

(A) The provision of technical assistance pursuant to section 450h of this title and paragraph (2)

# Coordinate with State, regional and local governments.

 23 USC 204 (a) (4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects— (A) shall be developed in cooperation with States and metropolitan planning organizations; and (B) shall be included in appropriate Federal lands highways program. State, and metropolitan plans and transportation improvement programs.

#### Coordinate with State, regional and local governments (cont.)

\*23 USC 135 (e) LONG-RANGE. TRANSPORTATION PLAN.— (C) INDIAN TRIBAL AREAS —With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

# Coordinate with State, regional and local governments (Cont.)

23 USC 135 (f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

#### Develop/revise interagency agreements

•23 USC 204 (b) . In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.

#### Develop/approve Area Stewardship Agreements (formerly CA Plans)

•23 USC 106 (c) ASSUMPTION BY STATES OF RESPONSIBILITIES OF THE SECRETARY.— (3) AGREEMENT.—The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this sub-section.

#### Develop Annual Obligation report on program accomplishments

- \*5 USC (Government Accounting Standards)
- Government Performance and Results Act
- Annual Deferred Maintenance
- . FHWA Annual Report/Highway Statistics
- \*FLH Annual Accomplishment Report

#### Develop reports on the project expenditures and performance measures for GPRA

- 5 USC (Government Accounting Standards)
- Government Performance and Results Act
- Budgeting

#### Respond to/maintain data for congressional inquiries

- Responsibilities of the Executive Branch
- Committee Report Requests
- Government Accounting Office (GAO).

#### National program leadership/liason for:

- National Scenic Byways Program;
- Public Lands Highways Discretionary Program;
   Transportation Enhancement Program;
- Tribal Technical Assistance Program, Recreational Travel and Tourism;
- Transit Program
- Finance Relaif for Federally Owned Roads (ERFO)
- 23 LIGG 204 (s) EISTABLIGHMENT —
   (1) IN GENERAL —Forcognizing the need for all Federal roads that are public roads to be treated under uniform process emission to be possess for all apply to Federal and highways, these assistationed a coordinated Federal forcing, represent that shall apply to public lands highways program that shall apply to public lands highways, park roads and parkways, and troken reservation roads and bridges.

## Organizational membership in national transportation organizations (ITA,WASHTO, AASHTO, NACE, TRB).

• 23 USC 204 (a) ESTABLISHMENT — (1) IN GENERAL—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-eld highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges

#### Coordinated Technology Improvement Program (CTIP) all Federal Lands Highway programs (\$250,000)

•23 USC 204 (a) ESTABLISHMENT.— (1) IN GENERAL —Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and public lands highways, park roads and bridges.

#### Participation in Intertribal Transportation Association regional and national meetings

- April 29, 1984, President Clinton's memorandum entitled, "Government-to-Government Relations with Native American Tribal Governments"
- ITA Townhalls (\$450,000)

#### Coordination and participation with tribal organizations.

 April 29, 1994, President Clinton's memorandum entitled, "Government-to-Government Relations with Native American Tribal Governments"

#### Special workgroups, task forces and meetings as requested by tribal governments (tribal members and Area/agency personnel).

- April 29, 1994, President Clinton's memorandum entitled, "Government-to-Government Relations with Native American Tribal Governments"
- Negotiated Rulemaking (Sec. 1115 TEA-21)
- Organizational Assessment
- National Bridge Program process review

#### Consultation with tribal governments on non-project related program issues.

- April 29, 1994, President Clinton's memorandum entitled, "Government-to-Government Relations with Native American Tribal Governments\*
- 23 USC Mandated Management Systems
- •23 USC Transportation Planning Procedures.

## Tribal Technical Assistance Program (TTAP) established through ISTEA-91, (7 centers at \$650,000).

• 23 USC 204 (b) ... The Secretary of Intenor may reserve funds from the Bureau of Indian Affairs' administrative funds associated with the Indian reservation roads program to finance the Indian technical centers authorized under section 504(b).

#### BIA and Tribal training development

- 23 USC 504 (a) (5) FEDERAL RESPONSIBILITY.— (A) IN GENERAL —Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this authorition may be provided—
- (i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or
- Examples' JRR Bridge Program, Transportation Planning Procedures, Workzone Safety Training, ERFO training, Project Cost Accounting System. Training for new Engineers

#### Information development

- 23 USC 503 (g) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—
- (1) IN GENERAL -Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senale and the Committee on Transportation and Infra-structure of the House of Representatives on-
- (A) estimates of the future highway and bridge needs of the United States; and
- (B) the backlog of current highway and bridge needs
- Special Studies (Quality Assurance for Road. Inventory)

# Costs for common services as provided as part of the area/agency/CO costs.

#### EXAMPLES INCLUDE

- . Building rent
- Communications and Information Technology
- · Office furniture, supplies
- · Printing
- ·Mailing.
- Equipment Rental
- \*Travel and Relocation of New Employees

#### Atlas Maps development

- Transportation planning:
- ·Road Inventory.
- · Funding Formula,
- · Coordination with states and local governments
- . Base maps for other data (coverages)



#### CONTRACTIBLE PROJECTS

of though the Central Office, montained

- Atlas Maps of Roads Issin with Oth funds
   National Result invantory Update



## United States Department of the Interior

#### OFFICE OF THE SECRETARY Washington, D.C. 20240

Honorable Ben Nighthorse Campbell Chairman, Committee on Indian Affairs United States Senate Washington, DC 20510-6450

#### Dear Mr. Chairman:

I am pleased to provide the responses to the supplemental questions submitted by the Senate Committee following the oversight hearing on Indian Reservation Roads (IRR) and the Transportation Equity Act for the 21th Century (TEA-21) held on October 20, 1999.

Should you have any questions, please contact my office at (202) 208-5706.

Sincerely,

Assistant Spretary - Indian Affairs

Enclosure

cc: Daniel K. Innuye Vice-Chairman Question 1: For fiscal years 1998 and 1999, please provide the Committee with information that identifies and describes all expenditures of the "up to 6%" Highway Trust Fund money used by the BIA at each Central and Area Office level. While we have gross totals for each office, we need to review a breakdown that identifies and describes all specific expenditures that exceeded a minimum of \$1,000.00.

Answer:

Since 1983, the Department of the Interior's (DOI) annual Appropriations Act provides language allowing the BIA to use up to 6% of the contract authority received from the Federal Highway Administration highway trust fund (HTF) for their road program management costs.

The intent of this provision today remains the same as in 1983. These funds are for the management and oversight activities associated with non-project functions. Functions such as the management, administration and oversight of the IRR program, development of rules and regulations, the distribution of funds received for 23 U.S.C. programs are some of these costs. Funds to perform these functions are not otherwise provided for the BIA to perform its joint role of administering this program with the FHWA. Examples of non-project functions include:

- Oversight and program reviews (6 process reviews and 6 product reviews annually)
- 2. Develop and approve regulations (TEA-2) REGNEG)
- 3 Approval of Transportation Improvement Programs
- 4. Review and approve the IRR inventory
- 5. Develop and approve design standards
- 6. Maintain the National Bridge Inventory (bridge) database
- 7. Develop procedures for management systems (BIA Bridge Management System)
- 8 Develop and maintain funding formulas and database
- 9. Allocate IRR funding (distribute all highway trust funds received from FHWA)
- 10. Provide Technical Assistance as requested by Area/Agency/Tribe
- 11. Coordinate with State, regional and local governments
- 12. Develop/revise interagency agreements
- 13. Develop control schedules/Transportation Improvement Programs
- Develop/approve Area Stewardship Agreements (certification for approval of engineering plans, construction methods)
- Develop Annual Obligation report on program accomplishments (quarterly/annually)
- Develop reports on the project expenditures and performance measures for GPRA (annually)
- 17. Respond to/muintain data for congressional inquiries
- National program leadership for: National Scenic Byways Program; Public Lands Highways Discretionary Program, Transportation Enhancement Program; Tribal Technical Assistance Program; Recreational Travel and

- Tourism, Transit Program ERFO Program (Millennium Trails, Lewis & Clark, Western Tourism Policy Group)
- Participation in Intertribal Transportation Association regional and national meetings
- Tribal Technical Assistance Program (TTAP) established through ISTEA-91, (6 centers at \$650,000).
- BIA/Tribal training development (highway safety training, work zone safety training)
- Information development (development of information management systems to support consistency in data formats, use, etc. with U.S. DOT)
- Special workgroups, task forces and meetings as requested by tribal governments (tribal members and Area/agency personnel).
- Organizational membership in national transportation organizations (WASHTO, AASHTO, NACE, TRB) responsible for highway design & construction standards
- Coordinated Technology Improvement Program (CTIP) all Federal Lands Highway programs (\$250,000).
- 26. Consultation with tribal governments on non-project related program issues.
- 27. Costs for common services as provided as part of the area/agency/CO costs.

A list of expenditures for fiscal years 1998 and 1999, is attached.

Question 2: Please identify the functions and activities that were carried out by the BIA in fiscal years 1998 and 1999 with the "up to 6 %" roads funds and indicate which of these specific functions or activities could be assumed by, and the associated funds transferred to, a tribal organization under Public Law 93-638, as amended.

#### Answert

Since 1983, the annual Department of the Interior Appropriations Act, provides language allowing the BIA to use up to 6 percent of the contract authority received from the Federal Highway Administration's highway trust fund for their road program management costs. This six percent provision allows the Secretary of the Interior to fund his responsibility for administering the IRR program in partnership with the Secretary of Transportation. The "IRR Program Management and Oversight" document attached, describes program management and oversight activities for non-project related functions and, the BIA's use of the "up to six percent" administrative funds.

Question 3: Is it the Department's position that all of the funds which are transferred to the BIA by the Department of Transportation from the Highway Trust fund are available for tribal contracts or agreements under Public Law 93-638, as amended? If not, please identify which funds are not so available and the Interior Department's rationale for withholding them.

Answer:

The Department of the Interior and the Department of Transportation do not take the position that all IRR funds go to the Tribes because the "up to 6%" Program Management and Oversight monies are reserved for non-project related functions. Any unused 6 percent funds are utilized for additional construction activities. For example, over the last seven years, on average, 1/6 of the available administrative funds were used on construction projects.

Question 4: Under TEA-21, Indian Reservation Roads funding jumped significantly from around \$200 million per year to \$275 million per year in Fiscal Year 1999. Did the BIA take 6% of the full amount of \$275 million authorized in Fiscal Year 1999? If so, to what specific new and additional activities and functions did the BIA apply these new and additional 6% funds?

Answer:

No The "up to 6%" percentage is applied to the amount of Highway Trust Funds allocated by the FHWA, which is the amount after a reduction identified as FHWA administration costs (23 USC Section 104(a)) and the obligation limitation amount imposed by Section 1102(f) of the Act. The 6% is the percentage of the amount of IRR funds that are available from the Federal Highway Administration to the BIA. It should be noted that of the PM&O funds utilized in FY 1999, up to 15 percent of the funds (\$2.0 million) were used to provide tribal participation in the Negotiated Rulemaking process identified in 23 USC 202 (d)(2)(C) and the tribal town hall meetings on the implementation of TEA-21. (See table attached.)

Question 5: Has the Federal Highway Administration requested from the BIA a full accounting of the "up to 6%" BIA program management expenditures? If so, what is the status of that request? And has the Federal Highway Administration withheld any fiscal year 1999 or 2000 funding from the BIA in connection with such a request?

Answer:

The BIA provides an annual program accomplishment report that includes a breakdown of all activities in the program for all expenditures associated with the program to the Federal Highway Administration. Since FY 1996, the BIA has provided a detailed obligation report of all functions associated with the IRR program (program management, preliminary engineering, construction and construction engineering) at mid-year and year-end. In addition, the BIA reports a year-end financial disclosure of all program obligations each year. In FY 2000, the DOI and FHWA jointly requested a detailed budget justification for Program Management.

The FHWA has not withheld any funding in FY 1999 and the BIA does not anticipate that any funds will be withheld in FY 2000.

Question 6: I understand that according to the Department's information that in addition to withdrawing the 6% in management funds, the BIA has taken several million additional

dollars for "administrative activities". Why were these various "administrative activities" not included within the "up to 6%" program management activities funding?

Answer:

As described in Answer #2 above, PM&O funds are used primarily for non-project related non-contractible functions performed by the Secretary. There are project functions which are performed by BIA forces which are chargeable to the various projects. Examples are the planning, survey, design, acquisition of ROWs, environmental compliance, historic preservation compliance, and construction engineering for individual projects. As the functions are contracted by tribes, the need for the BIA to perform these jobs and provide the associated staff will decrease. In FY 1998, approximately fifty percent of the IRR projects/program work was contracted by tribes. The project related functions that are non-contractible include a small portion which are primarily to ensure health and safety standards.

The Project-Related Federally Inherent Functions include:

- 1. Review of all scopes of work (25 CFR 900.122)
- 2. Plan-in-hand review (25 CFR 900.122)
- J. Approval of Plans Specifications & Cost Estimate (25 CFR 900.122)
- 4. Approval of Environmental Compliance documents
- 5. Approval of Archeological Compliance documents
- 6. Assure compliance with all other applicable federal laws
- 7. Approval of Right-of-Way
- 8. Approval of project change orders
- Assure project compliance with and/or "meet or exceed" federal standards for Construction, FHWA, FP-96 (approved construction standards)
- 10. Approval of Quality Control Plan
- 11. Approval of critical construction documents
- 12. Final inspection and acceptance of projects
- 13. Quality Assurance

Question 7: With more and more tribes utilizing their self-governance authorities and assuming functions previously carried out by BIA, it is unreasonable to expect that the roads program management functions of the BIA should be reduced and the "up to 6%" funds that supported that BIA activity being transferred to tribal organizations pursuant to Public Law 93638, as amended?

Answer:

Program and project functions that are "otherwise contractible" are available to tribes contracting and/or compacting all or part of the IRR program. It is reasonable to expect more of the management functions to assumed by tribes. It is anticipated, but the number of tribes contracting and/or compacting will not diminish the role of the Secretary in performing those non-project related functions outlined as part of the functions noted in Question #3 and those project related functions associated with assuring health and safety in Question #6. Project related personnel will decrease correspondingly

(ATTACHMENT FOR QUESTION #1 SUBMITTED BY THE SENATE COMMITTEE ON INDIAN AFFAIRS)

# SUMMARY OF COSTS FOR 6% PROGRAM MANAGEMENT & OVERSIGHT OF THE IRR PROGRAM

[Page 1-26 SUMMARY of IRR Program Expenditures for FY1998 and FY1999]

[Page 1-27 Detail Expenditures for FY1998 and FY1999]

-	- 4	-			Gardina Cardina Citata Salan Citata Salan Salan Salan	
671	The second second	- 3	1.4	8.0	Can	4.86
	-	3	11	· ·	Lame	1.00
	Indiana langua ha	-			100	100
	Contract towns 2.4	-			-	
	Contract Secretary	-	44	***	LINE	1/4
1			2.6	446	UNA	- 1-
Section & Spread		-				_
Charles and the Control of the Contr	Secretary No.	-	-	146	Take 1	100
The second second	the State State of Septime	-	a.v	W.W	Little	LP
Armer Special Special in Special States Armer Special						
Name of Street, Street						
of Real Property lives with which	And in contrast of the last		N. II	W. 10	UPA	71,846 3,646 3.75
		-	-	-		Lan
	orthographics Art Company Section Art Company Section Art		4.8		CHE 4	116
		-		100	100.0	4,16
	Miles	-		2.0	-	- 400
	Difference and	100	6.0	8.0	THE PERSON NAMED IN	
- Contract	Committee State St		476			1.00
	1			-	Mark II	- 24
		_	-	4.0	1000	-
	Company Section 1945	-	2.0	4.0	100	
	Del Segment	-		2.0	CMP VMA WAR	
	The state of the s	- 5				-
	Charles Sec.	-				100
	Company of		9	-		-
	Charles San	_	-	-		_
		-	200	44	200	-
	let laparente de la companya del la companya de la	19	40	8.6	THE P	70
Channe home		-	6.6	50	144	- 22
Committee States	A Committee of the Comm		-	4.6	LM II LM II	7.6
	The second secon	3	844	4.6	1448.8	74
	Personal Personal Parameter Security Se		-			-
_		-	44	44	100	7
	Participation and		-	6.0	1,010	-
	Personal Section	10	11.00			40.0
_			_	-		8,01
	The same of the sa	-	2			4.0
	Contract San	- 10	-			19.45
a Parish produces	Annual Street of Street St. of		-53	8.0	200	Tight
-	-	-	8.4	6.0	NORTH T	8.8
	Company Specialis 2-18		R M	200	UP P	- 10
	With the control of t		- 22	- 0	91.8	100 100 100 100 100 100
Visual Street	The latest to th	3	46.05	20.00	545.5 545.5 545.5	44
Spirit Spirit	the material Progent Auf	- 44	100	6.4	8,46,00	- 54
	Part Con Ballon of Trees 7 St	100	11	44	8,618	
1000	Compressor Specials (C.S.		4.0	-	5,000	75772
Change Transcript Line In	A THE DESIGNATION OF THE PARTY.	-	-	810	200	74
	American P. R.		-		0.00	
	Charles Street Tree (b)		11	44	UNIA.	
	2.0	-			-	- 116
	other based on the Arthur	-	- 25			_
n old to separate from	Charles Tradest 165	-	8	904		-
April Tomas Swing	Contractor of Females Suff.			8.0	-	114 04 04
	and their freeze of Transfer	- 5-	-	500	2000	- 4
- Transaction	CONTRACTOR AND	- 8	916	8.0	72.7	-
	the last work a last of the	-		4.00	155	-
		- 2	-	- 10	- 123	7.2
	Section 19 Annual Control of the Con	1		10	200	2000
		-	1676	4.6	1400	- 6
			878	4.90	5.5	-
		- 25	0.00	4.8	E-74.0	-
		-	436	2.0	-	100
		3	10.77	8.0	6740 4700	200
	Market State	- 48	- 5	4.0	M. 400 FE	80
	The same has been	-	-			4.5
		-	20.00		16	- 14
	inches G	71	4.4	-	500 500 1000 5000 5000 5000 5000 5000 5	27.7
	Company to the	100	10	48	5/8/0	
	Tomas Series 14	-	20.00	6.6	140.00	- 4
	State States State		87	8.0	4,04.0	-
	Suprement Supreme Supr. Supr.		- 44	2.0	2.86.4	- 2
	Service Service 100		14	OF .	5,45/5	- 24
	DATES AND	-	20	54	- SMM	-
	Deposition Spring Sugar to	1.00	- 5	200	2.44	-
	Programe Suppose State		4.4	- 15	-	-
	Tables Septem 1975		10	- 1		-
	Page 1 April 197	-	-			-7
	Pageon Supress State		14			_
	Transport of the last	3	4.0	2.4	200	- 5
	COLUMN TAXABLE PARTY.	-	4.0		300	-
	District Signer St. H.	-	2.4		10,000 10,000 10,000 10,000	10 10 10 10 10 10 10 10 10 10 10 10 10 1
	The section was a section of				76,000	-
	The bear than					
-		1	- 13	12	MM	- 10

		9 tv	-	574			LW
	(Self-Seption Females)	240	344				34.66
	Transporter Specials	200	-	100		-	-
	Description (Charles	2.0	146	100			2.0
	Program Salbert	-	198	- 64			9.79
	Description to	-	-	504			1.86
	-	**	- 4	8.74			14.8
	Profit Property Shell	14	-	24		25	
	Computer Specialists	348	P	FM			M
	more between	200	186	2.00			-
	THE REAL PROPERTY.	24	-	10			- 12
-	-	100	-				_
	Depart Sugar Steel						
Charge of the Spanner	Surprise Specific	346		10.00	5.0	TRAFF	- 1/
	Sergely Brooks	Sec.	-	14			- 4
	Street Services	24	-	504			10.6
	Company Street	34	186	-	5.0	MONTH!	16.0
	(All Engineering Tradeois	54		10	2.0	LIFE	19
SCHOOL STARTS PROMPT						446	
P. James							
Total Mary 1	And the little of Table	diam.	-	10	94	MATERIAL PROPERTY.	160
	Marchan	-	-	- 24	- 4	Admin.	14.0
Wind Personal State of		**	-	panel.	200	Lateral	188
and the latest designation of							
THE PARTY.			rije.			76,1454	
P PROM			19.000				-06.5

-

\* No reposes sportney Mt. You happe then said transact from the state of

-----

inter & 1800 Security of Partie In Section in Addition

(Marie Links)	Iments of the late	_
100		
Her	Total Control of Control	4.94
Films		A)40
7 100		_
BARRY	Town Steward   States	wes
harry.		RW
36.	the factor of the last	Skep
PRACTICE IN		90%

BARRE

THE R. LEWIS CO., LANSING MICHAEL P. LANSING

(Named State	Specialis of Epiperson Special Co.	-
Section 1	Transfer to the same of the sa	-
FTEF		100,000
BANCY.	Program Constant	-
No.	-	HAT.
From Tube		Pr. Mil.

94007

Property of Agent Commit	
-	FUR
No. Committee	-
Carrie Santon	***
	100,000

-

## When I bearing the same

(Specifical	Property of Sportforms	_
Buchit	Program Services Company	
- M	(April 1990)	nine
PERM	See Maddill page 18	FSHM
	the back page 1	

CAPTER SALLESSEE STREET, O'THE

# the same of the Pringer Support & Company of the Pringer in 1989.

_		-	PR.	-	-	Section .	
_	1 min			-	-		_
	County Streets						
		Property Stand Support	100	-			APLE
		Automobile best for		-	20		145.8
	-	Committee of	4.65	-2	24		Len
	-	Name of the last	100	- 4	3.0		-
	-	Processing Spring	420	- 8	8.7		Land
		State System	146		5.0		-
	Print Distance No.	-	-	-			
	Charles to Agentin						
_	-	Regional Food Depresar	400	-			240.0
	-	Name and Address of the Owner, St.		-	5.5		ARC D
	-	Program Assigni	0.00	-9	86		APTER
_	_	The same of	480	-	*#		100
	_	Description regions from		-	-		4764
_		CONTROL MORNING	140	-	7146		-
_		Contract Specialist	4.00	(10)	24		M.19.6
	Charles Street, Street		Man.	-		jes.	_
_		-	(m)	- 44		-	_
_	Service Suprey (West	max.	-	-		THE .	
_		-		-		40	_
_	The same of the sa			-	-		_
_	the same of the last water	Contraction	461	-	54		1040
_	a from the same of	Auditor Supras Supras		-2	-		P9.0
_					- 25		Lens
_	_	that Expension Security	100	-	- 10		Pol
_			100	-	-		81.5
-		The last	100	- 4	-		1,000.0
_	1 Process Systems	Ingless has beginn		-	- 84		1464
-	-	Section Suppose Section 5:			-		1,000
_		The second secon	4.65	- 2	60		1460
_		Performance Prints	100	- 6	20		1,000.0
_		Transport Contract	-		- 44		100
_		-	100	-2	- 14		
_	The second secon	201.00	140	- 3			1250
_	P Testinand Assistance	-		- 3	- 84		1,40
_	_	Suprace Suprace Street St.		-2	- 22		Limit
_	_	-		- 1	87		Limit
_			1	- 2	20		90.5
_			100	- 4	- 04		100
_		The last	100	-	YUR		100.4
	_	Test Seet	_	-	-		_
_	A Statute to Commenter	-	-		-		1980
	to Franchiscoper	Programe Proof Engineer	- 45	-	- 10		10"10
		Section Segret See 5		- 3			1,000
_		Secretary Spring by			- 24		Lend
_		Program benefit	- 12	-3	- 5		1,000
		See Care	100	- 190			W14

Description   Company		P Street, Springer	Contract Specialist Programe State Stapmen	344	- 16	2.6	100
		The state of the s	harm haired but I	- 48	- 5	- 55	-
State			Set hate	1	-		-
State	-1	-	Control Street Statement	2.00	- 2	N.A.	Mile
State			Statement Regional Print I	* ***		#.h	-
March   Marc				- 00	- 14	16.87	190
Color   Colo			Section 1	441		MM	14
Committee   Comm		1 Translation	164	344	140	81.90	
Committee   Comm	_	Concept Competition Scott Cost	-	NA.	94	BAL DEA	
Section   Sect	-	Age particular particular	Property and Suppose	440	- 4	24	.040
Committee	_		Sentent England Bank S	780	-	8.0	1,040.0
Compared	_	-	Section 14 and	1 100	- 4	H TE	1.600.0
Comparison   1-00   10   10   10   10   10   10	_	-	Total Street	100		No.	UM
Section   Sect	_		Charles Committee	+ 15	-	4.0	She!
March   Marc	_		Control Secretary	+ 15		No.	404
Annual Name   State	_	Contract Section	Samuel San Australia	400	-	7.0	1,000
Processor State   14	_	-	State States State	3 322	- 5		7,000
Manual   M			Programments Salvan	440	-	***	100
Section   Sect				1 100	-	940	Set /
Section   Sect		-		100	-	YLES!	arr.
Married   10   10   10   10   10   10   10   1	-	Program banquement.	Augment treatment	440	1986	27 00	11.00
Management   1.5	_		Personal Regional Street To	1.50	400	8.00	24.700 L
			Program Analysis	440	-	ne .	44.00
Segretary   1-1	_		Shortes	4.00	- Fee	NAC	14,100.0
Manager   Mana	_		tion from	2.00	-	11.00	1,000
Manager   Mana		Page 1	Fegure boot begreen	100		20.00	43844
Manager   14   15   16   16   16   16   16   16   16			COLUMN TOWNS THE P	4 666	- 20	B.B.	PALE
Manager   14   15   16   16   16   16   16   16   16	_		Contractor Spring by	140	-	90.00	1,000.0
	_	-	Program bridge	146		24.00	Later
	_		Berney	100	- 1	9.65	- 198.4
	_		TRANSPORT .	1.01	-	11,00	3814
March   Marc	-	Company and Spream	and the same of th	-	404	Mark State	
Application	_	SA-Cults Bindon	The same of the sa	-	-	Marine Marin	
Process   Proc	_	1000	-	100	-	AND THAT	
Company   Comp	_	THE RESERVED	Property and Personal	6.00	-		Long
Automate	_		Statement Regional State S	- 440	-		1196
The company	_		The Commission Represe	8.00	-	MATE	10,000
Automatical Content of Section 1997   Section 199	_		Company of the Party of Street	4.00	-	***	The state of
August   Section   Secti			Program beriefe	440		SAA?	1960
Automatical Content of Section 1997   Section 199	-		-	100	-	N.H.	-1,000
SASTING PALL AND AND STATE OF THE PARTY OF T	-		The last	100	-	COM	APA
Bargina planeted by freeze are secured at the planeted at the	-		_	_	-	100.44	346,9134
	-	TO.	-	-	-	SELECTION CONTRACTOR	_
Age		Control Streets			_		
The Committee of Page   15   15   15   15   15   15   15   1			Pageonal Read Suppose	140	-		170
The Committee			Annual Suppose Stant By		-		
The Committee				1.70			4.6
Description of Section	_		Program Anagori	100		**	437
Martine Support   Martine Su	=		Trans trans	- 13	-	- 12	10
Martine Support   Martine Su	Ξ		Perfection in Page 19	19		44 44	10
Name   Section	Ξ		Perfection in Page 19	19		8.5 9.5 9.5 9.5 1.6	10
Married States   Marr	=	Tred Institutes Bill	Perfection in Page 19	11111		57 57 57 57	100
Married States   Marr		Part Institute SH States in Agents	Technique Salvey	12		_	7
Section   Sect		Part Institutes SH Trading to Species	Technique Salvey	12	1	_	7
	,	Cord Institution that Disables to Agencies		12	1	_	12
		Peri Institute Mi Nation & Species	The last last last last last last last last	515	1	_	12
State Specimen   Section Sec		Port Transcriptor BMI Territorio di Agentina	The last last last last last last last last	515	1	_	12
March   Marc	,	Part Institute Sel Seeken to Agency	The later of the l	16525 686	1	15 15 15 15	100 100 100 100 100 100 100 100 100 100
			The latest to th	16525 686	100000	55 55 55 55	100 100 100 100 100 100 100 100 100 100
			Controller to Aging See Spec  Andrew See Styles  Andrew Segment See Se  Andrew Segment See Se  Andrew Segment See See  See Segment See  See Segment See  See Segment See  Segment See  Segment See  Segment Segment See  Segment Segment See  Segment	16525 686	100000	55 55 55 55	10 10 10 10 10 10 10 10
			Production for highing lines layer. Suggest than layered former layers have to free an index former. Successful figure layer for layer. Successful figure layers for layer.	A.S. 18.3.55 A.10.5	100000	6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0	10 10 10 10 10 10 10 10
Section   Sect			Production for highing lines layer. Suggest than layered former layers have to free an index former. Successful figure layer for layer. Successful figure layers for layer.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	100000	6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0	10 10 10 10 10 10 10 10
Section   Sect			Perfect the rights that I get a service to the serv	New Sections	100 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	6.0 5.0 6.0 9.0 9.0 9.0 9.0 9.0 9.0 9.0 9.0 9.0 9	10 10 10 10 10 10 10 10
Comment   Comm		Markey becoming the state of th	Performance Applications of the September of the Septembe	SERVE STREET	100 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	4.6 9.0 9.0 9.0 9.0 9.0 9.0 9.0 9.0 9.0 9.0	10 10 10 10 10 10 10 10
The second sec		Markey becoming the state of th	Performance Applications of the September of the Septembe	SERVE STREET	100000000000000000000000000000000000000	6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0	100 100 100 100 100 100 100 100 100 100
Committee   Comm		Markey becoming the state of th	Service Services  Service Services  Service Services  Service Services  Service Services  Service Services  Services	12.1 12.1 13.1 13.1 13.1 13.1 13.1 13.1	100000000000000000000000000000000000000	6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0 6.0	100 100 100 100 100 100 100 100 100 100
The state of functions   The state of functi		Markey becoming the state of th	Sections to Agency Sections to Agency Section to Agency Agency Section to Agency Agency Section to Agency Agency Section to Agency Agen	12.1 12.1 13.1 13.1 13.1 13.1 13.1 13.1	100000000000000000000000000000000000000	AN A	10 10 10 10 10 10 10 10 10 10 10 10 10 1
The state of functions   The state of functi		Markey becoming the state of th	Service to Agency Service to Serv	12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	100000000000000000000000000000000000000	6.6 5.7 5.1 5.1 5.1 5.2 5.3 5.3 5.3 5.3 5.3 5.3 5.3 5.3 5.3 5.3	10 10 10 10 10 10 10 10 10 10 10 10 10 1
Section   Sect		Marke Syspension Marke Syspens (Mer- Marke Syspen	Service to Agency Service to Serv	12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	100000000000000000000000000000000000000	6.00 6.00 6.00 6.00 6.00 6.00 6.00 6.00	10 10 10 10 10 10 10 10 10 10 10 10 10 1
Togeth Surger   1.0		Marke Syspension Marke Syspens (Mer- Marke Syspen	Service to Agency Service to Serv	12 12 12 12 12 12 12 12 12 12 12 12 12 1	THE BASES OF STREET	## ## ## ## ## ## ## ## ## ## ## ## ##	100 100 100 100 100 100 100 100 100 100
Topics Indige		Marke Syspension Marke Syspens (Mer- Marke Syspen	Service to Agency Service to Serv	12 12 12 12 12 12 12 12 12 12 12 12 12 1	THE BASES OF STREET	AND	100 100 100 100 100 100 100 100 100 100
Description (Spring Spring ) 1 to 0		Marke Syspension Marke Syspens (Mer- Marke Syspen	Services to Aging Services to Supre- Services to Su	12 12 12 12 12 12 12 12 12 12 12 12 12 1	ANALAS ESTATE SASSESSES	# # # # # # # # # # # # # # # # # # #	10 10 10 10 10 10 10 10 10 10 10 10 10 1
Description (Spring Spring ) 1 to 0		Marke Syspension Marke Syspens (Mer- Marke Syspen	Sea of the	12 12 12 12 12 12 12 12 12 12 12 12 12 1	nee Tillian en State Tale State Section 2019	### ### ##############################	100 100 100 100 100 100 100 100 100 100
Description	-	Marke Syspension Marke Syspens (Mer- Marke Syspen	Part of the System of System	12 12 12 12 12 12 12 12 12 12 12 12 12 1	nee Tillian en State Tale State Section 2019	### ### ##############################	100 100 100 100 100 100 100 100 100 100
Description	-	Marke Syspension Marke Syspens (Mer- Marke Syspen	Seal States for Rightsy Seal Signer 1 and Signer 2 and Signer 2 and Signer 3 and Si	12 12 12 12 12 12 12 12 12 12 12 12 12 1	nes Tight Call 27.2 Table Law season and	### ### ### ### #### #################	100 100 100 100 100 100 100 100 100 100
		Enter Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Francis Symmetre Francis Symmetre	Seal States for Rightsy Seal Signer 1 and Signer 2 and Signer 2 and Signer 3 and Si	12 12 12 12 12 12 12 12 12 12 12 12 12 1	ANTHARAGE STREET, AND STREET,	### ### ### ### #### #################	100 100 100 100 100 100 100 100 100 100
		Enter Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Francis Symmetre Francis Symmetre	Search State Styling Search Search Styling Search Styling Search Styling Search Styling Search Search Styling Search Search Styling Search Styling Search Search Styling Search Styling Search Styling Search Se	12 12 12 12 12 12 12 12 12 12 12 12 12 1	AAKTIKAANAMAHATIKEEEEEEEEEE	### ### ### #### #####################	10 10 10 10 10 10 10 10 10 10 10 10 10 1
Signature 100 S A.S. Signature		Enter Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Francis Symmetre Francis Symmetre	Search State Styling Search Search Styling Search Styling Search Styling Search Styling Search Search Styling Search Search Styling Search Styling Search Search Styling Search Styling Search Styling Search Se	100 100 110 110 110 110 110 110 110 110	AAKTIKAANAMAHATITETETETAANAMA	# 18	100 100 100 100 100 100 100 100 100 100
Character to 8 p.m.		Enter Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Francis Symmetre Francis Symmetre	Search State Styling Search Search Styling Search Styling Search Styling Search Styling Search Search Styling Search Search Styling Search Styling Search Search Styling Search Styling Search Styling Search Se	100 100 110 110 110 110 110 110 110 110	AAKTIKAANAMAHATITETETETAANAMA	# # # # # # # # # # # # # # # # # # #	10 10 10 10 10 10 10 10 10 10 10 10 10 1
The first of the control of the co		Enter Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Francis Symmetre Francis Symmetre	Sections for Rights Section 1 and Segment Section 1 and	100 100 110 110 110 110 110 110 110 110	AAKTIKAANAMAHATITETETETAANAMA	# # # # # # # # # # # # # # # # # # #	100 100 100 100 100 100 100 100 100 100
Description of Committee		Enter Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Francis Symmetre Francis Symmetre	Search State States Sta	100 100 100 100 100 100 100 100 100 100	AAKTIKAANAMAHATITETETETAANAMA	# # # # # # # # # # # # # # # # # # #	Admin
And Analysis September 20 S SA S		Enter Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Annual Symmetre Francis Symmetre Francis Symmetre	Search control for Highery Search Signer Sea	100 100 100 100 100 100 100 100 100 100	AAKTIKAANAMAHATITETETETAANAMA	### ### ### #### #####################	14 April 14
Anthre type of test to a series of test test test test test test test tes		Annual Systems (See See See See See See See See See Se	Sea Support Sea Su	100 100 100 100 100 100 100 100 100 100	AAKTIKAANAMAHATITETETETAANAMA	### ### ### #### #####################	14 April 14
Committee Spring Day 120 00 0.00		Annual Systems (See See See See See See See See See Se	Search control for Righting Search Signer . Se		Personant and a second	### ### ### #### #####################	14
		Annual Systems (See See See See See See See See See Se	Services for Aging Selvinger Selving		Personant and a second	### ### ### #### #####################	14
Programmer No. 8 But 1		Annual Systems (See See See See See See See See See Se	Search State States of States	100 100 100 100 100 100 100 100	Personant and a second	### ### ### #### #####################	14 April 14

	Got-Figure	NAME:		8.6	-
	Central Sensetur	100		24	(Date)
W Same Springer	Papers Name Suppose	646	- 20	48	- 76
	Indian September 6 and Se	140		2.0	-
	Clark System	440	-	2.00	1.00
11	September Front Straffere	240		-	-
	Annual Property Street Street	NAME:		4.0	-
	Program Malayer	641		24	=
	-	6,01	-	5.00	-
ti Tamba	-	mit.	-	MA JOSE	
G naveled françaisment france france	-	Peri .	-	MAL MAN	
16 Total Total	Regional Royal Engineer	1,000		8.6	-
	Annual Engineer band In	1.66		4.6	916
	Profession Spins	646		18.9%	-
	Program Endpill	1,00		24	Free
		846		4.6	140
	State System	344		TERM	-
	Control Specialist	100		P.A.	167
IN MOTOR COMMENTS	Augment Sand Engineer	440		**	-
	name input test to	140		2.00	104
	Profession Spring	1,000	-	5.0	Table 1
	(Married)	340	- 2	100	Fee
	Charles Spine	940	_	4.00	- 100
of Persons Street, or other Designation of the least of t	Angional Word Degister	1,00	790	44	
-	Annual Section	144	407	A.F.	N.FW
	Progree teater	4.60	-	200	W.AM
	-	***	-	44	14,600
	Since Paper	4.96		. 446	489
-	Suppose front (Improve	100	- 10	4.0	#H
	number figures first to	1.66		2.0	-
		446		R.S.	-
	Program bestget	4.60		200	-
	harmy	181		4.6	ia
	Charte Touris	han		48	- 10
Windowski Mr. Springer	-	100	-		
In the fruits Drafter	100	THE .	-	90,000	
In Course	-	-	-	84.80	
Principle and progress comme	Regions had beginned	Link		9.00	
	Automot Programs Programs	100	-	P.H	Atte
	Parlaments Spring	- 100	-	2.0	-
	Commenter Spring State	4.00	-	0.0	10,01
	Program Supply	1410	-	8.46	-
	Name of Street	446	-	-	180
	Clark Figure	465	-	9.00	
III SANTANIAN THE PARTY NAMED IN			MITCH.		Person
Treate			-		- makes

And in case of the local laws

----

N MA	-	_
BAST THE A	Transition of the last of the	120 /
AT M NOVA		
ENGRY	Total Statement	769
17 <b>-</b> 1014		****
THE RESERVE		Mark S
	to be any least	

According to the Control of the Cont

### and the state of t

PART GAR	Designa of Spicitions	_
-		
starbuch	PE & Subsendency of Authorities.	100
PHETONE		190
-		
EART INC.	- Charles and Control of the Control	0.00.0
Post folia:		
	in this pay that it	
THE PER PERSON.		100,010

	-	med .
-	-	
MACT CLASS	Trans of Agent married	-
Egyl Mila	-	
na.te		-
BARTON, A	-	
ristle		
TRAFTELM	San Street, page 1547 St	

# ALCTON DELANDA SERVINA (ATTO

# Section 2016 In Street Section 1 Section 2 in Street

Authority.	_	P94	-	SECTION 1	MATERIAL PROPERTY.	(American)	
V 19%			-				
Francis Months			_			_	
	Project East Deptor	146	-	-			1,00
	Name and Add to	A.10		10.00			241
	Property and the same of the s	546	-	MA		_	144
	_	440	-	-	-	_	
	Professional Parks	486	-	No.46		_	4
	Time Family	440	-	16.00		_	_
And includes the			-	-			_
Charles in Spreads			_	_	_	_	_
10000	The state of the latest	410	-				440
1-				20	_		
	Process States	140		20	_	_	10
+		446	_	7.0		_	- 10
_	-	-	-	8.4	_		-
	Transfer .	-	-	50		_	_
-	-	100		200			-
A			-				MA
Father Square		-	=	-		- Man	
		-		-		-	
Maked in Agency (1800)		-	-	-		-	
Annual Property		-	-	100		100.	
Children Street, Street, or Person.		DL .	-	- 45			
Statement .	Topics but before	April .		-			- 10
	The Party and De-		-	- 46			- 0
	The Party laborated		-	4.0			- 8.7
	_	4.65	-	9.45			
	Charle Spaint	441	-	44.00			- 1
	The last training	641		-			- 18
	Control September Street Street		-	H.R.			- 11
	Commence of the Party State	140	-	N.M			
	The same of the same			U.F			-
	-	200		- 80			- 4
	- Services	AMI	-	7640			
	Charle Property	1400		14.00			-
C Technical Assistance	Augment Store Supress	4.00		-			
	Standard Supposed State Str.	440	-	36.00			- 16
	Commence Spring Sea	100		8.0			-
	-	100	-	0.00			-

	Properties	8.64		24		TI TI
	(Cart State)	841		4.00		
A Street & Comments	-		-	-		761
to Table Worksprouge	August had Deploy	846		4.00		
	Appendix the face	8.00	-	**		-
	Community Spring Engl	0.00	-	4.0		
	-	1.44	-	24		- 11
	lanes	1.00		10		
	Contribute.	6.00		4.0		
	Correct Specialist	100	-	84		
to Steed Printer	Parallel San	140	- 2	- 40		
	Assessed Regulated Front Day	846		***		
	Charles I	100		M.M.		-
**	Pages Sand Suppose	8.01		44		
	Auditor August Total Six	100	-	8.0		
_	Properties	8.00		24		-
	-	641	- 5	4.0		
G Taples	-		-	- 14	-	
II marker lamparene lamparene	-		-	-	-	
to Salar Summer Printing	Regional Paral September 1	846	-	**		
	Annual States See See	8400		0.0		-
	Performance White	100	-	0.00		
	-	8.00	-	200		-
	-	140	-	16		
	State Figure .	846		0.00		
	Service Services	100	-	34		
STORY SHOWING SHOWING	-	140	-			-
-	Assessment Street Street	140	-	8.00		-
	Contractor Spring	200		N.H.		
	-	140		46		
	Over Former	100	-	4.0		
S Program Recognise	Training States	100		44		***
	Annual September State State	100	-	8.0		***
	-	146	-	84		-
		4.00	-	. 56		- 4
	State Space	110	-	44		-
i tara	Injury has beginn	100	100	-		-
-	Assistant Program State San	140	-	8.00		
-	Construction Statement State	140		2.0		
-	The same of the sa	846		-		-
-	-	100				- 4
-	Trade County	860		14.00		
I begand \$1 types			-	-	-	
N. St. Turk. Plante	-C		-	-	-	
			mit.	-	-	
P. Comp.	-	-		**	_	
It was not been supported to	-					
	Parliments Parks		-	W. 85		160
-	-		-			
-		***	-			- 7
-		100		54		
-	Tree-Spec	146	-	0.00		
-		-	204	-		-
-		$\overline{}$	-			- 12
HIPTON,			-			

CANTON SAN AND ADDRESS OF THE

# The same of the Printer Street, Street, or Street, Street, St.

Autor	~	PTR .	-	- C. F. Saint	CONTRACTOR .
1784					
Great produc					
700	Depart Seat Englant	100	-	-	1,010
-	Assessment Standard Street Street	444	-	2.0	1,000,0
-	-	1.00	-	2.5	140.0
-	-	100	-	**	-
	Perfection Street	446	-	86.76	Limite
-	the text	440	-	24	-
(Cont Deviation and					
Stocken a ligado	_		_		
-	Project Sea Supre	410	-	**	100.0
	Japane Regions had to		-	2.0	6,000.0
	Program Analysis	1.00		2.5	APRIL A
-		100	-	-	1,000,0
	Commenter Spring Ing.	140	-	-	VIII.
-	Cont. Spine	- 12	-	91,00	-
_	Contract Speciality	10	-	2.0	21,100.0
-		_	-	-	
-		_		-	
States Separa	=	$\rightarrow$	_	-	
Rated to Agents Stiller			-	-	
Annual State of State		$\rightarrow$	-	-	
- Daily bearing print retail -		481	-	-	
-	Angeled Street Street		_	2.0	75.0
_	Col Capenny Switch	180	- 3	- 20	100.0
	-	146		- 20	
	Charl Carlot	100			201
_		34	- 3	- 14	
Change Series	Suppose have beginner			- 65	
	from Supray Street St.		-	-	
	The same of the last			8/1	
		125		-	
	-		- 2	- 54	
_		-		0.6	
	Chat Care		-3	7.0	
17	Topic for the same	1400			

	Commenter Spring Sup	ri am	n	20	Uni
	Parkwise Spring	100	10	1879	4167
	Berniet	1.00		56	0017
	Program Studios	4,00	74	pur.	1,040,0
	(Sect. Special)	886	-	Had	Mar.
6 Stemes & Commission.	-	-	WE.	NI.	
a Trans Standardon	Programme States	- 14	-	TA.	Legis
	Desirated Regimes Rose &	1.00	Pro-	a.a.	UETA
	Commence Spring Day		-	-	1,00.0
	Program besture	100	PA	200	100.0
	-	- 10	-	460	1363
	Charles .	1.00	A	19.46	MILE
	Contract Specialist	1.00	16	PAC	1-1
N America Sparrage	Programme Street Conglisions		- 4	2.0	144
	Contract Regions Street L	1 640	18	PARE .	mu.
	Onto Figure	101	-	15.86	-
17 margar to married Completion	Prophesia Street Programme	100	- 4		100.0
	Control September 5	4.00	-	p.in	196.0
	Company benefit	101	-	Mar.	134
	-	460	-	9.65	140.0
G Torton	194	ma.	mar.	No. (MA)	-
O'photelial framewhite from East		THE .	-	-	
to Take Samuel Property	Program from Engineer	MAG	-	2.0	Lima
	the same beginning the first			44	1.944
	And Controller Signer	146	- 1	B/S	Lene
	Program Sangar	540	-	16.67	180.4
	theretay.	Add:	-	440	671.8
	State Spatial	100		11.00	404
	Contract Specialist	140		2.60	TARTA
18 DOLF Proposed Wantings	Displaced Room Displaces	146	-	6.0	Lette
	Annales Regime Area &		-	4.0	1,640.4
	Nacional and Address of the last	100		M/10	Law &
	(harde)	100	-	440	197.0
	Great Control	No.	-	Tru (mil)	FIA
APRIL TO SERVICE STATE OF THE PARTY OF THE P	Degree how beginn	4.00	-	50	4100
-	Andread Supposed Association	4.66	40		M. Mile
	Programmer .	440	100	84	16,500.0
	Brinder	1.00	-	346	13.100.0
	Steen Cyales	8.00		0,44	1,010
T Profits	Regimed Read Stupleme	185	-5-	5.6	1,510
1000	Name And Address of	160	- 1	8.6	
	loss marker district land	2.40	- 5-	-	190.0
	Fragm help!	140		86	
	(Secondary)	141		46	-
1	Shark Egypte	1.81	-	1180	10.0
to the same that have no	-	-		No. (No.)	End
William and Mr. Agreem	-	-	-	200	_
a gard	-	_	44	me an	
P. Stranger and Program and and	Augino Paul Sugar	100	-2-	**	-
The state of the s	In successive State St.			2.0	LINE
	Production Spring	- 12	-5-		3,799.8
1		12		8.75	7,553
	- Wester	12	-		7,812
-	Transport Control				SMIR
		200		9.40	1200
	Sept Table	440		rries.	61.6

# STATES NAMED AND ADDRESS.

SERCY ILANS	Complete of Const	_
-		
MONTH PLAN	-	FFEE
Fr in free		1,04.0
-	-	Dries
Print face		Une
restre to		400
	C-100 pp 122	
	61	-

## NAMES OF TAXABLE PARTY.

THE R. P. LEWIS CO., LANSING MICHIGAN PRINTS NAMED IN CO., LANSING PRINTS

Southern of Employee	_
-	
Part Spring ingents of ingents for	3,000
	****
	and Printered
ing brandings for	100,030,0
	PLUS
	-
the Dende page 15 of 26	
	Frequent Management & Frequent Parties Reprised (F. Copper Seller Frequent Management & Frequent Frequent Management & Frequent Frequent Management & Frequent Management (Frequent Management Managem

NAMED IN COLUMN TWO IS NOT THE OWNER, THE OW

## THE R. LEWIS CO., LANSING, MICHIGAN, LANSING, MICHIGAN, CO., LANSING, MICHIGAN

MARKY CLASS	Payme of Agent Leaters	-
11:00		
	Programme & Prompts	- 9
maje		
H=		
		0.00
nete		4.00
File & File State		4,00
	in land paper of all 8	

### Name and Address of the

# Control to 15 Proper Street Laborator 15 Property 15 P

Authorize Contraction of the Con	-	F3.	1000	MILT floor	- Sand Fried	Ges FR
4704	Depter Street Support	H.E.	-	-	4,200	4.00
Contract Selection			-			
E Print Distribution 654	August Sand Deplear	301	-	- 44	4.00	7,800
Uterben in Agentin						-
Children Control						
France Superior	Property Street, Street,	0.01		-	-	-
Indicate in Assembly College						
Named and Address of the Owner, where the Owner, which the Owner, where the Owner, where the Owner, where the Owner, where the Owner, which the Owner, where the Owner, where the Owner, where the Owner, which th						
of facing framework, 18 court rotated named						
Charles Inches						
C.Prince Services	Later Argins Street Day	Chart .	-	-	194.PM	1a
F. Trademint Assessment	Aspend Forth Engineer			-	-	-
Printers in Commentum						1
6) 748ed Westgroupe	Regional Plants Degrees	N/PI	-	-	-	-
Total Spring						
The second limited						
to bearing						
Company of the Party of the Par						
to below Transportation Printering	Programed Streets Streets	RAD .		40	100	LAST
Married Married Total or	-					
The state of the s	Express them Engineer	No.	100	-	No. com	W.(0)
D Raping	Regions Street Engineer	DAME.	- 100	44	489	4.007
N Straggeries With Spinisses.	Project Code Copies	1886	•	-	100	1, Sail
Nice has been	-					
e serv	August had Depose	ner I		-	1,000	100
Consider the program without	Property Seattle Depterm	5.8E	-	-	LAIT	1.00
the state of the s			_			Terminal's
				_		-
TOTAL	-		_		244	PRE NO

### PALIFE MINING, SPECI

## THE RESIDENCE OF THE PARTY IN COMPANY IN COLUMN 2 IS NOT

or beautiful for	The of Section 1	Permitte	_
-			=
PAIL	Transfer of Street		Lette
Print See			Lene.
-			=
***	-		100
(CA)			
nestre:			lete
	the Smith page 15 of 18		=

# -

# ----

SHARLT GLASS	-	-
77 100		
-	Part of the last o	the same
Free land		Va.
-		
-	-	- 0
PM Year		-
-		Date:
	-	

### ----

Will be bearing of Designation and Publisher Fall

OR MIT STARE	Report Sportiones	-
-		
_	The Party Street	- 14
/ Time State		
-	Prigras Stragement & Decorpts	
Pinite		.,,
-		
	An South page 14 of D	
	has beade page 14 of 20	

CAPPED STREET, SPICE

Designation of the State of the

195	in .	- 25	- 100			
Action		PR.	-	OR PER	See Free	See File
1	They bear they had beg				No.	100
1 1004	San Dr. Color.	$\rightarrow$	_	_	LANCE	4,846.0
Surrey Street, San	Street, Street, Program	1	- 1		2007	BALL
	Name and Address of the Party	$\overline{}$	-			
A Print Statement and	Top In Oak Top Sant San Last Na		-		9000	1,000
5.00 d t + 5.00 m	They had been back they					1000
Phythia is Appette	Name and Address of the Owner, Street,	-	_	_	1,85,6	100.0
-	Registre, Studen Step				199.6	AVX
Status Agents	-	$\overline{}$	_		100.0	1001
termina terminal	_	-	_		m/2	- 12
1	_	-	_		- 10	44
A State Senten Star Park when	-		$\rightarrow$		1800	
	-				100	
Page States			_		179.0	1.00
Telepine .	-		_		V.46.0	#1,679.0
Name of Street					0.00	
Total Market					1.0	
S Street Prints	-				40.5	
-					1,010	100
Tanken.			$\overline{}$	_	100.00	
in market to the last time to the			$\overline{}$			
to the same of the					100.0	10,707.0
1007	-			-	40.0	
-					Pulling	14.490.1
-	Auch Day Days				100.0	No.
M. Stewart and Statement	1		_		LOAD	PM.
					100.0	100 000 000
· Seri					100.0	-
		_	_	_	90,791,0	M.44.

# EASTERN PRODUCES, GROWN

# THE RESIDENCE PROPERTY.

LIEUT ILAME	-	_
-		
BART	Program & Dongto	6.80
PERM		
7-		
fact	Program Respond & Design	- 14
PHI		14
FIRST PROPERTY.		40
	No. Stelle page 16 of 10	

CALLEDO SERVICIO CONTRA

Page 11 at 2

## ----

SEALO TOPAGE	Designa of Sandrage	-
PY 100		
	Programme in Company	M255 m
Print to		N.P.L
	Program Womprount & Orange	
TYPE Sa		- 18
PROLETTE SE		AFC
	he back pay W. C.	

## DANSELS MANUAL OFFICE

# THE RESIDENCE AND ADDRESS OF THE PARTY AND

Property of Agreet Contract	_
Transfer of Persons	-
	- 14
Program Recognises & Contrigio	- "
	**
	- 14
In link pay 4 d R	
	Program Sergense & Serger  Program Sergense & Serger  Program Sergense & Serger  Serger

Authority .		100	-	AND THE	Santiffee	Cont From
Tr.	ion had beginn	1.00	-	Mil-mar	PL/18	14,234
Company Company						
I Pers (Bulliotte SEE						
Service to Agencia						
I brings traperfrom						
Sedan Square						
Contract of the last of the la						
According to appearing						
s days were pass years						
I deal broken			-			
I Promot Barbara						
4	Name Address Post States		-	Miller.	AND HAVE	MUM
P Tradesian Assessment		4.5	-		- Contract of	19.65
	in the later	4.0	- 14	-	16.00	Plant
di Anno la Companio	1	$\rightarrow$	-	-		
The state of the s	Age Spine by Spin		-	B.D. rep	No.	MAT .
of Street Westgroups		NAME	_			8.07
	- In the	43	-	BEAR	KIT	N.or
a home bywar	-	-	-	_		
	Aging Signal	480	-	MATERIAL PROPERTY.	II.M	91,519
	Any free Engineer	44	-	-	H2H	4.47
	-	-	-	-		_
d Comm	And had beginne	346	-	2040	N/W	84.867
the same of the last of the la		100	_	RAGE	676	actes.
William Transportation Principles	Agent pales.	-	_			_
10 del 1	1000	9.70	-	See.	160.00	12.55
-	President			8.8 m	A29	10,000
	the bearing the little	- 60	-2	****	28.74	146.69
	-	-	- 72	87.64	W.10	10079
	the first fragment	2.0		8000	100	14.49
-	Spinster, Spinster,	100	- 2	65.44	90.06	as file
	ins him lighter	-	-	-		-
a passant age planted	_		$\rightarrow$	$\overline{}$		
a de trade					16500	THE STATE OF THE S
	Property.	No.	-5	****		100
	Street Street		- 1	R.F. WHI	N/ CM	N.D.
-	Ingeria Septem	481	- 4	STAME	0.00	FIRE
-	-		100			64.03
			164		Printer.	
	-	100	-	141	-	
	-	1000	100	100	-	-

MANUFACTURE .	Designation of the last	-
-		
metal Park	Proper Security Control	5790
President.		4/40)
~-		
MEAT TLAN	-	1,000
FFM Total		Ma
PTER A FIRM THAN		-
	Section parties	

#### Charles and Alberta and Alberta

### Farming of 1984 100 happing payment in his last or last 1 to 140.

MAD TIME	Personal Personal	-	
77.00			
	Property Prosperson & Constigue Protect Registed, and the Register		
_			400-1
PYM No.		,	Out
- 11	-		
	the beauty of below		10,000
Printer		1	
71=		=	
	Property lands		AMILE
- 1	Program Street, or Str		MATERIAL
Peter Paris	-	1	PLF-RM
THE REAL PROPERTY.	has South page 16 of 16		haran

## MATERIAL SPACE SPACE

08.607 (3,491	Principle of Agriculation	-
PT 1000		
-	-	-
Pyll Fun		300
-		
_	hand bearing bear	274
Print Said		PO PE
married to the	See County page 18 of 28 age 1 Sep 1	A.O.

			· ·	-	- 1		_
		_	-	400,0	-	- Cont	
-	-	.ra	-	-	Princ	FIRE	
M	Start, King, Steam Sings	-	- 4	W(2)	100.0		
The Party laboratory	Aust Reg Arest Sings			M(14)	100.00		
and being	Progress Assign (Mary		46	- 10.07	Phil		
non benink	Program district			-8-8	46.00		
and belowing	Agency front Copps		- 4	84	prise.		
			1		-		
Shartness in Signif	And the Seat large			16,74	.0040		
Counties to Agent	France Andrew (Adm)	_	-	40	186		
			1		-		-
Control Separate	last tig first lag-		- 4	Mile	MA		-
States Square	her francisky		1 4	200	Marie Inc.		_
Add to Access Of	Age Controlling	_	1 2	-			
		-	1 3		10.00		
	Against front Super Super Street Super Super Street Super Super Street Super Super Super Super Super Super Super Super Super	-		2.0		_	_
-	Ann day from the		-	1874	200		
	tigs thinked big	_	-		rest.es		
-	Child Supherson Turk		_	N/A	PHILA		
- fater	Annual Prof.	_	-	-	TERM .		
	Opening Septemb	7		2.0	-		
	regress Coglissa			2.4	44.4		
	Agency Sci. Stepts.			-	-		
-	And Roy Read Play		100	MAN.	-		
	No. when he	_	100	2.0	270.00		
_	the spins for		1	0.0	ana.		
	A			-			-
non-line de	Name his first	_	-	24	-		-
ten is famous	Total Control	_	1		_		
Mine_	Regional floor flogs		-	5.0	in a		
	fort his free fear		100	M-74	21 21 21		- 4
	deat high black happy		- 3		- Children		
- ferrer	Anna Rose Rosed Frage		-	186.74 E	ALC: N		-
	Inglesia Englesia			76.46	PHIA		
-	Displaced Principles		- 6	- 44	700.00		-
	And the Best Coll.		1 3	pa/v	100.00		-
	Suppose Sourchape from they been from from they been from they been from Suppose Suppose Suppose Sourchape Suppose Sourchape Sourchape Sourchape Sourchape Sourchape Sourchape Sourchape Sourchape Sourchape Sourchape Sourch	-	1 3	-			-
_		_		2.0	- ala		-
-	Appr. Prog. Print Street	-	-	- 84	80.00		-
	Open Cales	-	-	-	70.5		
bridge Comments	England Sani Engl			4.4	100.00		
	ton his test tip		-	. m.m.	188		
And Transporters	Assot Rose Rose Trap		-	475	-		
	Oppose broken						
of Canada Stands	Product Start Start			-	80.0	_	
-	Parties from Ingleed from Ing ton Ing Seet Ing		- 1	de la	-		-
-	100		-	**	722		-
-	ton by ton by	_	-				
	from the first the		- 2	-	MM/1		
	From Prog. Pricer Street	_	_	874	- man		
~	Project Conting						
	Clear Dog Print Day				- inch		
married the facts			-3	8.0	90.70		
-	Organia Saglana		-	-	500.00		
	Typing Colors  Patrick Desire  Large St. Sag.	-		F. 10	Britis		
	Access 64 Acres			8.4	inter		_
			-	-	96.00		_
-	THE REAL PROPERTY AND ADDRESS OF THE PERTY ADDRESS OF TH		1	-	-		
-	TARREST STATE	_	-	-	_		
M-0	Annual Control Control	_	$\rightarrow$	_	_	_	
THE RESERVE	Regional Read Engs		-	_			
78	, M.			-		-	
				-	340	- 5	
444	-	100	188	t-mi	- 1	Free	_
	her has been been				-		
							+
**	Anna Rea Brand Barrier	-		- 85			
	Anny Prop. Renal Driggs	+	-	MIN.	100.00		
-	Ann Roy Send Day Program Analysis (Admin	+	- 5	MIN.	The		
	Program Study		1	- 50	725		
	Program Andreas		- 5	MIN.	The		
	Program Andreas		1	#1 #1 #1	725		
	Program Andreas		1	80 80 80 80	100 100 100 100 100 100		
	Program Andreas		1	#1 #1 #1	725		
and blooms and blooms and blooms and blooms and blooms blooms to be	Ann. Nay. New English Fragmen Sentys (Men. Fragmen Sentys) Agency Sent Septe. Agency Sent Septe. Agency Sent Septe. Agency Senty Senty		4	80 80 80 80 80	1000		
and blooms and blooms and blooms and blooms and blooms blooms a type feather a type	Ann. Nay. New English Fragmen Sentys (Men. Fragmen Sentys) Agency Sent Septe. Agency Sent Septe. Agency Sent Septe. Agency Senty Senty		4	BOY BOY BOY BOY BOY BOY BOY BOY BOY	1000		
	Ann. Now York (1989) They are control of the Contro		A	BOY BOY BOY BOY BOY BOY BOY BOY BOY	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		
and planting and blooms and and blooms and and blooms and blooms and blooms and blooms and blooms and blooms and and and and and and and and and and and and and and	Ann. Now York (1989) They are control of the Contro		A	BOY BOY BOY BOY BOY BOY BOY BOY BOY	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		
provided to the second of the	Jonn, New Joy Program London Program London Agency Bond Stepen Agency Steel Stepen Agency Steel Stepen Agency Steel Step Agent Stepen Stepe Stepen Steelend Step Stepen Steelend Step Stepen Steelend Step		Marco de dos	80 80 80 80 80 80 80 80	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
The State of the S	Jonn, New Joy Program London Program London Agency Bond Stepen Synch Step Step Stepen		Anna anna	80 80 80 80 80 80 80 80 80	100 000 000 000 000 000 000 000 000 000		
The second secon	Ann has been by Tragen index (Alex Tragen index) (Agent hashed (Agent ha		Alternation of the state of	801 803 803 803 803 803 803 803 803 803 803	SERVICE BY SERVICE		
The second secon	Ann has been by Tragen index (Alex Tragen index) (Agent hashed (Agent ha		Alternative designation	8.0 8.0 8.0 8.0 8.0 8.0 8.0 8.0 8.0 8.0	MA MA MA MA MA MA MA MA MA MA MA MA MA M		
	Ann has been by Tragen index (Alex Tragen index) (Agent hashed (Agent ha		Batter of State	817 815 816 817 817 817 817 818 818 818 818 818 818	00.0 00.0 00.0 00.0 00.0 00.0 00.0 00.		
	Ann has been by Tragen index (Alex Tragen index) (Agent hashed (Agent ha		Allegania da sanda	817 817 818 819 819 819 819 819 819 819 819 819	EN E		
	Ann has been by Tragen index (Alex Tragen index) (Agent hashed (Agent ha		Anthony de conti	8(1) 8(3) 8(4) 8(1) 8(1) 8(1) 8(2) 8(3) 8(4) 8(4) 8(4) 8(4) 8(4) 8(4)			
many phonology and hardway and	Area, Nave Says France Street, Marie Street, Marie Says France Street, Marie Street, Marie Street, France Street, Marie Street, France Street, Marie Street, France Street,		Anti- di secondina	8.17 8.15 8.15 8.17 8.17 8.17 8.19 8.19 8.10 8.10 8.10 8.10 8.10 8.10 8.10 8.10	MARIE		
many phonology and hardway and	Area, Nave Says France Street, Marie Street, Marie Says France Street, Marie Street, Marie Street, France Street, Marie Street, France Street, Marie Street, France Street,		Anna Lancon de condi	801 803 804 803 803 803 803 803 803 803 803 803 803	TO THE STATE OF TH		
many plantaka mang bishandan mang bi	Area, Nave Joys France States (Alles France States Alles France States States Area States Area States Area States Area States Area Area Area Area Area Area Area Area		Anti- di secondina	8(1) 8(3) 8(4) 8(1) 8(1) 8(1) 8(2) 8(3) 8(4) 8(4) 8(4) 8(4) 8(4) 8(4)	MARIE		
and planting and behavior of the state of th	Area, Nave Joys France States (Alles France States Alles France States States Area States Area States Area States Area States Area Area Area Area Area Area Area Area		State of the said	BUT	MARIE		
many plantaka mang bishandan mang bi	Area, Nave Joys France States (Alles France States Alles France States States Area States Area States Area States Area States Area Area Area Area Area Area Area Area		Record to second to second	RIT RIT RIT RIT RIT RIT RIT RIT RIT RIT	MAR TOP TOP TOP TOP TOP TOP TOP TOP TOP TOP		
many plantaka mang bishandan mang bi	Area, Nave Joys France Street, Marie Street France Street		Manne la constant	Bir Bir Bir Bir Bir Bir Bir Bir Bir Bir	MAC		
any Johnson and Shankin and Sh	Area, Nave Joys France States (Alles France States Alles France States States Area States Area States Area States Area States Area Area Area Area Area Area Area Area		Record to second to second	RIT RIT RIT RIT RIT RIT RIT RIT RIT RIT	MAR TOP TOP TOP TOP TOP TOP TOP TOP TOP TOP		
oney Dentales more Shankes more Shankes more Shankes to the Shankes of Shankes	Area, Nave Supp.  Temporal Indiana Supp.  Temporal Indiana  Tempor		Section of second lands	N   1   1   1   1   1   1   1   1   1	###   1945   195		
oney Dentales more Shankes more Shankes more Shankes to the Shankes of Shankes	Area, Nave Supp.  Temporal Indiana Supp.  Temporal Indiana  Tempor		Second leaves of the second	B11 B15 B16 B16 B17 B17 B18 B18 B18 B18 B18 B18 B18 B18 B18 B18	100 mm. 100 mm		
oney Dentales more Shankes more Shankes more Shankes to the Shankes of Shankes	Aron, Nay, Sand Day Frangers, Golden, Salden Frangers, Golden, Salden Frangers, Golden, Frangers, Golden, France, Salden, Fran		Se estimanalization to confi	B.1 B.5			
way Janata man Shanka man Shanka man Shanka man Shanka man Shanka Marina Janata Janata Marina Sana Janata Ja	Arm has been by Through index of the Through index of the Through index I down front by The has been for Through index I down front by Through index I down front Through index I down I down front I down I down front I down		400 coditional lancase as conf	811 815 816 817 817 817 818 818 818 818 818 818 818	###   ####   ####   ####   ####   ####   ####   ####   ####   ####   #####   ####   #####   ######		
wary Janatha	Arm has been by Through index of the Through index of the Through index I down front by The has been for Through index I down front by Through index I down front Through index I down I down front I down I down front I down		400 coditional lancase as conf	811 815 816 817 817 817 818 818 818 818 818 818 818	###   ####   ####   ####   ####   ####   ####   ####   ####   ####   #####   ####   #####   ######		
way Janatan  and Sanatan  bering Sa	Area, Nava Says Area Says Says Says Area Says Says Area Area Says Area Area Area Area Area Area Area Area		400 coditional lancase as conf	No.   No.	###   Hall   Hal		
way Janatan  and Sanatan  bering Sa	Area, Nava Says Area Says Says Says Area Says Says Area Area Says Area Area Area Area Area Area Area Area		ANTIN CANTING LANGUAGE IN COMP.	No.   No.	###   Hall   Hal		
way Janatan  and Sanatan  bering Sa	Arm has been by Through index of the Through index of the Through index I down front by The has been for Through index I down front by Through index I down front Through index I down I down front I down I down front I down		400 coditional lancase as conf	BIT			

Tructus	Auri, Reg. Read Dings	-	:#i/e	MF.MC	
	Agency Engineer	-	16.4	40.00	
medial Francisco	Sugared Street Engs		-	-0.0	
-	Anna Ring Street Street		100	100.00	
I deal from	Sant Roy Sant Day		2.00	MITCH.	
	Name of States		-	_	
pel / Suprant Street	Regional Street Street	-	4.0	100.00	
-	Seri Sing Street Kings	-	100/10	20.0	
Total Property	Peganat Sant Eng		44	Mr. and	
-	Sean Trig Front Grap		M.74	600.71	
	Anni Roy Smart Brige	- 4	27.19	man.	
harris.	Regional Street Street		44	ane	
-	tion they have been	-	M-74	790.0	
Imprint St. Syste.	Seri Sog Fred Dogs		26.74	100	_
	Highway Displace	- 2	80	016.0	
	Inglising Engineer		F. 84	-	
	Pageons the Stear		W.W.	TO ALL	
Street Street	Figure Physical Program	-		98.0	
	Highway Engineer	-	5.0	NO. PT	
the c	Popland Sand Step		-		_
Consequence of Property	Engineer Street Engin				
-	-			-	
					_
		-	-		
			_		
			-		
			-		
		$\overline{}$	$\overline{}$	-	

### SHIP OF RESIDENCE PARTY.

## the later of the American

COLUMN TO A STATE OF THE PERSON	American of French	-
-		
849	Total Control	- 000
Free Years		1,50.0
-		
Mr		ANIA
/resident		AMA
FI WA FIRE THE	to look pay the P	MAP II

# REVIAL RESIDENCE SPEED

MAC NAME.	Designer of Suppose Supple	-
2.00		_
jane i	Freque Respond à Compte Compte Replacifiche Santoniche	P1.948
PRE To	4	FURNIF
-		
MIN	Company Supplements Supplement	12,463
FFR Is		41.45.7
FIRST THE	to look pay 11 of 2	-

## Anniholis see

# the law bearing of the contribution of the state of the s

nerne.	-	_
-		
-		- 4
FIRE Trans		
-		
	-	
Free land		
-		- **

## Annual Service of

# ----

and the same of	-		-	MILTER.	-	- 100	METRIX	Dest FYW
We .	Project Play See	-		88.00	man.		#176	- R4
4	Partie live	1 1		200	100.00	- 5	- 70	10.00
71	States transcer	1	-	10.0	100.00			
Sangal Pringer	Regions this first	-	-	20074	arus.	-	and the	167
personal benefits.	Tenning .		-	18.46	100.00	-	pa a	- 48
Service Services	Section Sections	-		11.4	05.0		2071	94.0
-	of Report No. 104	_		19074	2014	-	N/ 76	6.5
-		-		10.00	19.46	-	\$175	W()
Married N. Tarr	Street Street	-	-	19.46	PROCESS.		809	201
1	-		-					
Partie Square,								
Spinst to Spring								-
Assessment State								
Street, Square, or								-
	Marine State			100	FROM		983	FM.1
State of Sta	August the Rive	1		VACIE	wcs.		M74	100
Section 1				100.00	1900	H	W-75	10
Annual Section								
-								-
Street Street	physics for			78.00	100		96.4	16
Toronto.								
Married Company	ada resa Gar		_					
	ingreens to			907	40.4		W16	H)
The Person	Topics for		-	UKIN	Bearing.	-	46.16	146.
-		_						100
Trans. Stronger	Calculating the	100		19074	See S	- 5	M (4	- 10
-	Through pumper			100	100.00		2874	-
Parks	Transcent Sta		-	1604	200		96.76	W/L
stated by	_							
Die Steile Steiler								_
180							- 41	300
Contract on			-	84	Service Co.	-	10.10	****
COLUMN TOWN	Author and and		+-	10.4	-		2478	9.0
-	and the same	and the second		-			-	
	-		-		PERMIT	- 14		PER.

## SATURD BEING OFFI

### \_\_\_\_\_\_

COLDET TLANS	Secretary Free	_
-		
-	-	1,000
From Ton		2,000
-		
	Page 10-10-10-10-10-10-10-10-10-10-10-10-10-1	1 400
FEE Ton		1 100
-		0.80
	Indiana ser	

## MACHINET NUMBER OFFICE

## SECTION AND DESCRIPTION OF PERSONS ASSESSMENT

COLUMN TO SHARE	-	_
-		
, w	Trapport Street	-
-	Transaction & Compa	***
		4,000
	The second second	540
Total Total		70,000
71100		
н	Total Control	Ren's
	Town Street, Street,	***
Э.		-
TR 100		10.00
-	to link pay 11 d g	MAN

# ROTTORY STREET, STREET

PROPERTY.	-	-
	-	-
Free Cont		-
	-	-
re te		
THAT THE		
- Maryon I		

### DESCRIPTION OF STREET, SPECIA

### Name and Post Conference of Co

production of the same of the	_	T sm I	unte	-	71.00	-
way	-		-44		77.0	-
- Total	-	-	_	_	-	_
Contract Administra	_	-	_			_
Contractor of						
Street, in Agentin.			-			_
Chaip translate						
Radio Reports						
Subsect to Agency (Miles						
-						
Street Street, Street Print						
And sensory						
Comme Springs						
Catalant Same						
A Manager to Compression	Contact from	- 100	use		STATE OF THE PERSON	VERNIA AN
	From Halling Green.	1.0	-	-		MARKE, AM
1 Total Waterson						
Streets Burrant						
-						
- Tracket						
Service Superior has been						The second
for the same of the same						
COURT DATE OF THE PARTY			-			
The Parket	Program bestyld	14.0	146	<b>A</b> .1	SAFE CALL	MAKE!
1	-					
The state of the s				_		
		$\rightarrow$		_		_
CA hade built-						

### -

### ROSSIT MONETAIN RESIDENCE, STREET

## ----

MARY ILANS	Service of the Party of the Par	_
-		
AND SHIP	Ten town time.	970
ere to		Name of
-		
Ann met	Transmit Transmit	
re le		
-		Mar. 1
-	be bed part of a	

# NAME AND POST OFFICE ADDRESS OF THE

AAUT ILAM	Sungine of Street, Street,	_
-		
	burny bytemerican	0,613
PTRET	-	86.0
1 700		
	trong by the same of con-	n NA
Free fo	-	300
	the limits page It of E	741
		_

## NOOT MINISTER ASSESSED, WANTE

# \_\_\_\_\_

THE PERSON NAMED IN	lands rivers -	
77.00		
•	-	7575
700		*100
n=		
	District Street	40
restre.		NF.
-	-	-

STATE OF THE OWNER, OWNER,

-

		4 -451134-1	20000000	1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000 1,000		2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
			20 20 20 20 20 20 20 20 20 20 20 20 20 2	5 mm	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2 M
		*********	2000	Appendix App	60 60 60 60 60 60 60	100 100 100 100 100 100 100 100 100 100
		********	2000	1818 1918 1918 1918	60 60 60 60 60 60 60	10.00
		* -0.000	2000	1818 1918 1918 1918	60 60 60 60 60 60 60	10.00
			2000	1818 1918 1918 1918	60 60 60 60 60 60 60	10.00
				1818 1918 1918 1918	60 60 60 60 60 60 60	10.00
				225	EU .	10.00
			- 1	225	EU .	10.00
		-	- E	100	EU .	10.00
		4	- 44	104	EU .	10.00
		7	- 44	168	EU .	100,000
			- 44	100		
		-				
		-	-		50	
-	_	-				
Street Street, Street,				ALC: N		-
		- 1	44	22.5	44	-
Contract Contract		MA.	2.0	-	NAME .	2.00
week Property Street,		- 14	100	100	MA.	0.00
-		-	1.0	100 %	Mar.	- 20
and had been		-	10	F 946.74	W.10	2.00
-		- 14	8.00	_	<b>NATI</b>	- THE RE
		-				-
-	_	- 16	-	-	M7	
		-	6.00	400	No.	-
	-	- 44	24	200	NA.	
		_				100.00
						Table 1 to the state of

# ----

ON MAY COME	-	
-	Topic Property Score	
resta	4	- 20
4,0	Topic Street,	840
Per tu		- 20
	the State of the S	

## of Arrest Addressed Supply

## THE RESERVE AND ADDRESS OF THE PARTY OF

Section of Sections	-
	0,000
	20/34
The same	
	144
	5000
in tests pay that if	
	Transition of State o

## NAME ADDRESS OF THE

# THE RESIDENCE OF THE PARTY OF T

SPACE GAM	Proper of Agent Server	-
-		
	Transference i brown	-
****		
-		
	Total State of State	
real less.		
FIRE & FIRE SAME.		-
	For lands you is at I'	

# MARKET THEORIE

Autority .		1.00	660	COLT ROOM	(inchine)	Last Files
(19)	Searching Spring Sept	Det.		MA	100 LOVE	CO.
	Spiner Steels Englises	ing.		840	400.00	100
	Agency Assets Supleme	3.00		16.60	100.00	104
	Chil Degrees	DAY	- 4	- 44	with the last of t	PLANT,
Same Lineau	Standing Street, Sept.	-		(80)	(Major	toru.
		DAY	- 4	W.AT	PLANE.	\$1,000.
	Agency Assets Engineer	jets	-	844	MUT MAN	107%
	See Copper	047	-	810	n.m.a	F1,461
A Print Dicklarine Boll	Annual Spinster, Supplemental Spinster, Spinst	AM.	-	8.41	MARKET.	St. And
(Northean to Agention						
1 Miles Inquestion	Orthogram	P.M.		0.0	NUMBER	64,875
	Out Septem	her.	-	846	September 1	\$4,914
	Sid Supray Substitute	-	-	8.6	NAME	to the
	Separation Spinog Engs			4.0	FULL	Beta.
Spring Superior	- Challenger	ARC.	-	8.0	100.00	ier.
hand a toping office	-					
Amongsty Inquitors		-	1		1.	
compression and read	the lagran	24	-	2.4	11/14	HJW
	int layers	204	- 4	8.00	APR IN	100
-		5.00		P11	AL MALIE	\$4,000
	The Report Vendor	188	-		240.4	Page 1
			-			
1	The same of	Date:		BP1	tions.	B.FE
-	Carlotte .	_	- 4	-	-	15.00
-		No.	1 7	ALC:	PERM	19.00
-	Annual Print		-	-		
	States State Suppose	10		RATE .	TORRE	F.48
		246	- 5	86	9,168	MAIN
	Marry hard Super-	48		- 68	SEAR.O.	- 50
	The Property of the Control of the C	-	100	9.0	RAME .	H,Ph
	That Student	and .	-	A.F	90,000,00	H.PS
	-	-	-	-	Tion at	Hill
	The same		-	2.0	0,000	U.16
Charles in Company of the Party	Street Land	ham	Services.	A.M.	MARKET .	\$100,71M
Table Budgerey	-	-	1000		-	
Acres Springs	_		-	-		
	_	-	-	_		
Table 1		-	-	$\overline{}$		
Principal Company to the Person		-	_	_		
to the Superior Prints	Old Sugar	14.45	-	841	9,869	8,94
-	Bright September	100	-	-	4.64	N.M.
Name and Address of the Owner,	1	-	1	_	-	
100	-	2.0	-	_	_	
-	Profession .			Marc.	FO.MERS.	ADE DE
	(special female displace)	-	-	446	25,350	19.70
	Agency from Sugaran	-		15.00	FR.140.0	EPI.
	And Stagement	2.5	-	200	NAMES	M.M.
	COMP. Today	100	-	10.00	SALES.	10.00
	Clark Taple	MA.		140	ARPER	1924
	Date Seek	N/E	-	1146	YEARLE	***
	The Party of the P		-	D.M	DEFEN.	ENL/FE
T) market	Remains Street Free	hen		SAC.	-	11.04
Company of the Company		_	-			
Contract Con						
W SHALL	M feder	per			200.00	_
	Ord Fragman Transmiss		-		31,996.00	11.00
and the same of th	Programming Statemen Vision	AM.		100	NAME OF TAXABLE PARTY.	10,00
	(Mildeline)	NM.		2.5	E-mark	50.00
	1		-	-		
	-	-	,	$\rightarrow$		inte
-		-	-	_		
		100	-		-	MA.

# -

# ----

MARKET ENAME	Process of Services	_
-		
M MIT	Tayet.	1,000
Free lan		-
-		
-	700	#.m.
PYSE has		SUPER STREET
-	hadron page 11 of 2	-

----

26A25 (7.0A0	Secretary of Employment	_
71000		
	Program Strangers & County St.	
-	Charly Tell Service State Company	THE PERSON NAMED IN
Train Train		10,014
PY 1000	Program Strangers & Dronger	
	compliance and antiquest	(man)
F790 7		9,80
Print & Free Tune		10.00
	the times was in all?	

THE R PERSON NAMED IN COLUMN 2 IS NOT THE OWNER.

OWNER STATE	Printed Speciment	-
77 788		
-	The same I broke	-
_	-	
TTM Tomat		
71.50		
	Proper Surgement & Descript	
-	Carried	- La
FIRE SAME		10
71% à 11% les		-
	be both pay it if E	_

THE RESIDENCE PROPERTY.

		-	19	445	HELP SAME SAME FROM
	71	market I	in more	**	2020.0
- 1	man banday		2.07-000	- 144	PERCH
	of Perhaps by	1	N. Parameter	- 4	N. Person
-	District to Agendia		AL PROPERTY.		20.0
-	The Parket		N MICHELL ST	1000	ROW.W
-4	Factor Supports	_	TARTON .	200	(NCMICIN)
$\overline{}$	Stated in Agency (William	-	m desirement	-	Sale of
_	Annual Section	-	-	-	9.86
-	the business Hear Print mises		A-MYHODA	198,014	10,000,00
		-	LEVER	90.4	FURN
	Toron Factor	-	-	40.4	PARK
	Marie Salara	-	1. Burning	2007-1200	-
	PERSONAL PROPERTY.	-	-	-	10.00
	Trans to Comments	+	- American	114	MARKET IN
-	that Partigraph	-	PAPPER	- 1	THE PARTY.
	Towns of Section 1	-	3.000	-	345,446.86
		-	-	-	14.4
		-	SACRE	-	in tags
-	Contract Con	-	2000	- 4	200
-	The Important Penning	-	a present	-	WIRLAN
		+	1,000	194	10,10,00
- 3	Am product	-	1000	-	9-9,463.73
	-	-	A REPORT	8.8	N.O.A
		+	1000	-	P4.01.4
	(A. Frank Pleaks	-	-	med	4.44.0
	The same of the sa	-	2000	198.8	THE PERSON NAMED IN

-

-

_				-	_
-	-	-	-		-
-	-	2.00	- 446	MILITARY.	San Pri
TPv.	ADDRESSAY ASSAULT			100.00	- 11
		***		99.46	- 1
rent (Star Seal)		-		105.00	- 44
Siretum to		100		910.00	- 11
-		La		PERM	-
Spring Sape	-	-		200.30	- 4
Admit to the		- 54	-	20126	- 10 - 10 - 10 - 10 - 10 - 10 - 10 - 10
	Inpulse.	10	-	1906	- 1
-	New Year when	2.0		211.26	-
	Action in column		_	10.0	- 4
Propaga Kontra	-	-	_	PERM	- 4
Factorial Asset		1.4	-	100 Jan	900
form to fine	-	n.m		200.00	
-				246.26	- 64
Acres Sprage		1.0		200,00	
	of Constitution	24		100	-
-	and a second	24	-	175.00	0 0 0 0 0
Market Inc.	sportellas, Austra, Cores	2.8		110.00	-
National Processions				100.00	- 1
-		- 14		\$10.00	-
				100.00	-
-				700.00	- 4
to belle				per se	-
-				PER	44
tery.				12	44
		-		0.2	- 1
			-		-

## MARKON STREET, SPING . MAKE

# The forming of front August Au

	100
-	100
	440
1	winter.
	HAME
-	Min
-	NAME OF TAXABLE PARTY.
	504
making the P	
֡	per la company de la company d

## inches (Things over

## that having of front hands & Contract Assessment State of the section of all

CRECT CLASS	Street of Street	_
77 100		
	The Residence of Personal	
eparte what	-	4342
Firm two		100
71		
200	-	(CE)
Free face		Union o
77 988		
_		· ·
	-	
Pres Lan		(Mar)
THE COMP		water.
-	No. Street, and St. of St.	-

## PRODUCT HEE

			PERSONAL PROPERTY.	100,0	SHOW!	poset.
Action .			SHALL SHALL	MI	OFT CO	PT 60.
1 100						
Viscolni Indicatalna	Companier Specialist	8.6				40.40
Park Streetholine Bell						
Statistics to Agenting		-		-		
Publish Statement						
Radge Supers						
Stock to Agency Differ.	-					
According September						
Strange Security, Street or 2 5 Kindles						
Part makes	Disease Street,	7.0		_		144.74
d Printers Sprinter						
Comment Agents	Company Specialist	. 44				PHORE
Opening to Communities						
Tribut Markeyman	Arts Seed Suppose	Bán				PARTY.
Charle Syrvan						
The second live in column 1						
E Treatment						
Controlled Supposed Name Cont						
Time Income the Person	Direction Degree	1,000				MATE
NAME OF TAXABLE PARTY.					_	
T-Company Company	Seatt, Februar	1,00				(144,K)
	Comprehe Specialis	8.6				19.74
The same of the sa	Specifical Engineer	4.00				2000
S. Colony was Diff. Springs						
pictors						
piene				_		
P. Creeded and Proper Section	Designation Supplies	146	-			\$60,760
	Seed					\$45,745

# -

# \_\_\_\_\_\_\_\_

DELPTT OLAM		_
-		
m	-	100
	-	
Free Free Free		(Aca
	to bein parties	

#### \_\_\_

### \_\_\_\_

CELEST GLAM	Inserted of Equipment	_
***	Program Street, Street	
	to districts	16,9916
	BUTTONIA .	4040
_	MIDWAN FIRMITAN	4.014
Print Sales		September 1

### -

DESCRIPTIONS	Section of Section 1	unur
	Program Recognition & Consegue	
	April 1999 March	THE PERSON NAMED IN
	Company below	100.00
	Party	-
The Team		-
-	the Briefs page End D	

Column Column  BARGT  F  F  F  F  F  F  F  F  F  F  F  F  F	1998 Yarred A \$1,000 De 1998 ALS, Travel for Yatler Sage.  1998 ALS, Travel for Yatler Sage.  Yatle.  Property Management & Chronogge Sage.  Cut layerweet Year.  Cut layerweet Y	Francisco V Sea Control Contro	Verse Come  4,00 C  4,00 C  5,00 C  5,
BIADGT	Title Program Management & Destight	Furgine  And toff and ther  Condition just  Condition just  Condition just  Condition from  Co	1,30 to 4,00 to 1,00 to 1,00 to 1,00 to
BIADGT	Title Program Management & Destight	Furgine  And toff and ther  Condition just  Condition just  Condition just  Condition from  Co	1,30 to 4,00 to 1,00 to 1,00 to 1,00 to
BIADGT	Program Management & Descripte	Ame SOF Mar Course Course of States Course Course of States Course Course of States Course Co	1,30 to 4,00 to 1,00 to 1,00 to 1,00 to
BIADGT	Program Management & Descripte	Ame SOF Mar Course Course of States Course Course of States Course Course of States Course Co	1,30 to 4,00 to 1,00 to 1,00 to 1,00 to
BARGET  FI	Program Management & Oreorages  And Egyment Plant  Engan Instead  Program Instead  Program Instead  Program Instead  Program Instead  Program  Prog	James Landers  - Grane of Princial States  - Grane of Princial States  - Grane	(25) (25) (25)
PER	Chair Egyptowerig Vests  Farigate Vestsiele  Fragerie Vestsiele  F	James Landers  - Grane of Princial States  - Grane of Princial States  - Grane	(25) (25) (25)
	Gargan Lenter  Program Annya Carpen  Naghang Carpen  Program Annya  Raman Carpen  Rama	James Landers  - Grane of Princial States  - Grane of Princial States  - Grane	C854
POR	Program Antiques (Signam Antiques)		C854
	Triggin houses Triggi		C854
	Traphon Segree  Agency Copens  Agenc		1,24 (2) (2) (2) (2) (2) (2) (2) (2) (2) (2)
	Agency Logical Control		186.4 (175.4 (186.4 134.6 (20.4 (40.4 157.6
P. P	Constant Express  Sylven Lygour  Syl		1,000 (75,40 1,500 (20,40 (20,40 (20,40 1,00)
	Nghang Dagana Nganan Dagana Pagana Nandari Karapatan Nganatai Nangan Dagana Nganan Dagana Nganan Dagana Nganan Dagana Nganan Dagana Nganan Dagana		(94 1)4 ( 1)4 ( 1)
III	Toggers Annya Company Samelian Hargers Groups Hargers Colled Hargers Colled Hargers Colled Hargers Colleges Hargers Colleges Hargers Colleges Hargers Colleges		Upo to Upo to Upo to Upo to Upo to
11 12 15 15 16 17 18 18 18 18 18 18 18 18 18 18 18 18 18	Compate Specialist Toggins Compatibility Toggins Auditors Oppose Specialist		(d)
10 10 10 10 10 10 10 10 10 10 10 10 10 1	Invade Class  Try Part Assistant  Agricum Englesses  Invade Class  Try Part Assistant		(6)
P P P P P	regree Audional Agency Engineer Impair Stell Engine Audion	The last of leaving	1,903
E 10 10 10 10 10 10 10 10 10 10 10 10 10	Agent State	PER CHARLES WANTED	
P P	Com Area	CA Transit Married	1964
- 0		I I law to Design	1304
- 24	And in the	II A Town that Streeting	1,000,74
100	Dept Old	75.00	100
N.		77	(19) (19) (19) (19) (19) (19) (19) (19)
- 7	Tagen Araba	222	1,000,0
-	Ord Enganeering Visits	The last of	1961
- 11	Out Expressing Fact.	7 7 7	1,007
	And Comment	337	140
-	Annual Committee	77.7	1993
P	Our Engineering Teats	777	1,083
-	And China		100.4
- 8	Del Exploring Tests	777	1004
1	when these	335	1887
- 1	The last		100
1	Property and the second	7 7 700	[416]
-	The same of the sa	222	199
	Oak Digmaning Code	332	191
- 1	shoot (chase		120
-	Cont Engineering Cont.	COLUMN TO SERVICE STATE OF THE PARTY OF THE	(85)
	tion from	75	1,000
	Agree (spine		1000
	Compress Specialists	Train lawy	- 086
	Cot Engineering Feets	Present Annua Sale Sales	100
-	Proper feature	-	100
- 1	Highway (Ingress)	Probat Parket	1.00
SERENCE.	- Phone College	The Party	140
-	Dates Spraw	Print from	100
	-V	Proof laws	1973
	Clief Cognesing Feels		- 12
- 2	Directors Segress	Product fraction	199
71	Program berke	Procedure Continues Std.	100
21 21 22 23 24 24 25 26 26 26 26 26 26 26 26 26 26 26 26 26	Amendment of the control of the cont	Tarry .	(8)
P	Contrast Specialist		1,000
н	Trusted Express	1	1
Pi Pi			1,86
H	CONTRACTOR SPRINGER		165
-1-	Transportation Specialist		1
	Transportation Spectator Transportation Spectator		4.00
- 11	Transporter Special		100
P	Translate Land		1,000
- P	Indicate prime		(48
- 1	Transportation Specialist		100
n D	Torquisio Quality		1,86
71	Trigger Specialist		360
1	Proper Specialis		1.00
7	Program Specialist		UR
77	Total Colors	-	1 15
- 10	V-10-		100
P.	OM DOT		500 500 500 500 500 500 500 500 500 500
19 17 17	CHI (C)	2500	V

B.			
	0m 807 0m 007 0m 007 0m 007 0m 007		WED
	Check OCH	ing the best of	#:A0
21 21 21 21	CHIEF LOTT	and and partied.	78.6
31	Che (00*	747	-
21	Owi 007	Ing ing Study	W. C1
21	Case DO! Case DO! Case DO! Case DO! Case DO!	The Profit	190.30
21	G=1001	July and property	170.00
- 81 D	Chia SOF	Transport .	170.00 460.77
77	04/87	No.	78.6
13	N-190	Pag Tag Works	(300.0)
21	Chief (ROF	777	1000
36	ABILITY COM DICT		140.0
-	Temperatur Specialis	Total States	150.0
25 20 21	AND DESCRIPTION OF THE PROPERTY OF THE PROPERT	75-	(m) (m) (m) (m) (m) (m)
19	Decision .	Their reactor	58-6
	Comme Co.	-	-
_		-	
-			
Lines			404
- Address			40.0
French	Acres de la constante de la co		_
-	Regulary Regulates	-	-
17	Tele September	to an income to	LACTO
	late oftenses	-	1000
1	No. Comments	Trying and trains	1967
-	The Party of the P	California and California	1,862.00
II II II	-	The same of the same of	CBMI
- 11	100	and the same	1,018
-	100	-	1,40,6
- 19	100	And annual	1418
17	Contract of the Contract of th	The second second	(28.8)
29	And Committee And Committee	and an article	(218 (418 (214 (214 (418 (418 (418 (418)
	Title Promoter Comments	of and other	1.4M/SI
-	Land of Columns and Advantages	And in case of the last	1,830,94
14	1 del Parent Mari	California and Asian	(MA)
P	(1 Car Supremy Carlos	Add more	(MISS)
D .	The Passerson	Control of the Parket	176.6
15°	The Representation	Color and Assessment	(10.8)
- 14	List Immeration 1-to Immeration 1-to Immeration 1-to Immeration 1-to Immeration 1-to Immeration 1-to Immeration	-	
	Intel Representation	Judged programme	(M. N.
- R	/ Idal Impresentation	The second second	1.00.00
- R	Title Representation	Supplied (Section)	1,050
16	The Suprementation	A THE WAY	(MG/k)
_ B	Ma Agranda	Property County Section	CARDIN .
P	The Person Labor	Contract Contract	OWN
B	(Ida Aurania)	Toping Toxed/action	1,000,00
31	Total Representation	Toping Innestification	(M124)
10	1-0-d figureareation	Salar Salar	UME
- h	The Improveded	Program Come & Providence	490,00
	154 Spreadow	People Court & Parlies	48.9
	11-that Programments	Program Towns & Provident	4036
	The Parameter	Salary Limit & Labour.	(O) 10
- 11	Total Digress lights	211	414
	Triba Representative	Company of the Party of the Par	PL#
- P	the Comments	The last last last last last last last last	9.8
- 6	Total Tearnment	Page Train & Parden.	44.0
19	14d Ingeneration	Peging Inne 6 Feeber	MA. W.
8	Trial Comments and the Comments of the Comment	Program Street & Program	40.8
- 6	Triple Programments	Pepping Card & Person.	-0.8
	The Remarks	Pegrag Trees & Purder	41.5
	And Programming to		
=		Control of the Control	-
16	Take Symmetries	Toping into 1 Persons	40.0
	Teal Income	200	-
	to the sale	212	900 P(4)
19	to to the		#14 #14
19	To Spreads  To Spreads  To Spreads  To Spreads	Program and 1 Product	#14 #14 #15
19	And Symmetria State Symmetria State Symmetria State Symmetria State Symmetria	The same of the same of	#15 ## ## ## ## ## ## ## ## ## ##
19	Ten Personalis	The same of the same of	9.5
19		The same of the same of	9.5
19		The same of the same of	9.5
15 26 27 27 28 28 28		The same of the same of	9.5
15 26 27 27 28 28 28	And Dynamic Market Communities of the Communities o	The same of the same of	60 K 60 K 60 K 60 K 60 K 60 K 60 K 60 K
19		The same of the same of	60 K 60 K 60 K 60 K 60 K 60 K 60 K 60 K
# # # # # # # #	And Dynamic Market Communities of the Communities o	The same of the same of	60 K 60 K 60 K 60 K 60 K 60 K 60 K 60 K
# # # # # # # #			60 K 60 K 60 K 60 K 60 K 60 K 60 K 60 K
# # # # # # # #	An Incomplete  And Incomplete		60 K 60 K 60 K 60 K 60 K 60 K 60 K 60 K
# # # # # # # #	An Incomplete  And Incomplete		60 K 60 K 60 K 60 K 60 K 60 K 60 K 60 K
# # # # # # # #	An Incomplete  And Incomplete		0 1 000 000 000 000 000 000 000 000 000
0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	An Incomplete  And Incomplete		0 1 000 000 000 000 000 000 000 000 000
0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0			0 1 000 000 000 000 000 000 000 000 000
0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0			0 1 000 000 000 000 000 000 000 000 000
0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0			0 1 000 000 000 000 000 000 000 000 000
1	See Agreembles		011 013 013 013 013 014 014 015 014 015 015 015 015 015 015 015 015 015 015
1	See Agreembles		0.1 0.1 0.1 0.1 0.1 0.1 0.1 0.1 0.1 0.1
1	See Agreembles See Ag		011 013 013 013 013 014 014 015 014 015 015 015 015 015 015 015 015 015 015
1	An Armenton An Arm		(C)
1	An Armenton An Arm		(C)
1	An Agreemble  Agreemble  An Ag		0.1 0.0 0.5 0.5 0.6 0.6 0.6 0.6 0.6 0.6 0.6 0.6 0.6 0.6
P	See Agreembles		0.1 0.0 0.5 0.5 0.6 0.6 0.6 0.6 0.6 0.6 0.6 0.6 0.6 0.6
P	See Agreembles		(C)
P	See Agreembles		01 01 01 01 01 01 01 01 01 01 01 01 01 0
	See Agreembles		01 01 01 01 01 01 01 01 01 01 01 01 01 0
	An Agreemble  Agreemble  An Ag		01 01 01 01 01 01 01 01 01 01 01 01 01 0
P	An Agreembles  An Agr		01 01 01 01 01 01 01 01 01 01 01 01 01 0
P	An Agreembles  An Agr		611 617 617 617 618 618 618 618 618 618 618 618 618 618
P	See Agreembles		611 617 617 617 618 618 618 618 618 618 618 618 618 618
	See Agreembles		611 617 617 617 618 618 618 618 618 618 618 618 618 618
	See Agreembles		611 617 617 617 618 618 618 618 618 618 618 618 618 618
P	An Agreembles  An Agr		01 01 01 01 01 01 01 01 01 01 01 01 01 0

	Total Control
21 Vital Agramatics 21 Vital Ingramatics	Sept.   Sept.   Project
17 Table Recognition	lingting laser & Parkets 0
21 Tribut Pagrameranian	Program Constitution 19
21 Filter Impresentation	Paging Sout Lifeties 6
21 Fital Inguistration 21 Fital Inguistration 21 Fital Inguistration 21 Fital Inguistration	
21 Title Paymentales	Playing Tone EProduct 18
I the farmers	Playing Your & Parkers St.
11 The Paperson	Proper least France 6
21 May September 21 May Representation	Print and the state of the stat
21 Tax Squares	The last last last last last last last last
2) The face of	Profes Sent Codes
21 The Squarters	Playing Front & Popular 97
71 to Specialis 21 See Specialis 22 See Specialis 23 See Specialis 24 See Specialis 25 See Specialis	Paging Sand & Perform.
St. Spiriterature	Playing Seed & Fortion 4
31 Para Improvembre	The last last
II The Spreadon	Control Control
3) Van Ingramation	Playing Sand & Perform
Ji San Parameter	Profing Found & Profiter CO
	Peopling Toron & Pardiers Ad
Ji Tida Igrandan	Paging South Paging
P. Non Exposuration	-
25 San Supervision	
Pl Tree Representation	Prophy Service Both
II Tan Saranian	Paging Toron's Parker 150
21 The Squarestee 21 The Squarestee 21 Value Squarestee	Toping Total Freder Die
31 Tale Symmetries 31 Tale Symmetries	The second second
Pl   I deal Augmentation	The state of the s
I las lamante	-
II the layered	Transport Trade
H Na brands	Paging Seed & Person
17 The Superstates	Toping Time & Person
11 Titul Representative	
P. Ville September	Carlotte 1
The Comments	State Smith State
II the branch	Prophy Tour & Parker 19
21 Total Improvembre	Degree Court & Product
Fit Oder September	Traging Tomat A Product
H. Tital Suprawridge	Property law 1 Property
N New York	200
H. Tide Spreads	200
	Stagling South & French 19
21 Votes Expressibles	Traping Transit Product
)) law terrories	Program Land & Product
21 February	
21 I feel Squared to 12 I feel	The William I
H. New Name and D.	Page Service Service
Jr. Name Suprementer	Progress Committee Committee
27 Video Representation 21 Video Representation 27 Video Representation	Transport Contract of the Cont
21 Title Suprember	Part and the second
P Tan Squared I	100
21 Total Security	Name and Parket
25 Total Transporters	Program Service 19
H Top Suprements	Traping Court & Trades 80
II Ind Payment A	
Pl Total Supremorphia	The last two
F. San San San	2
II Ida Iquan	Date Ind Sales
21 Stad Supramodula	Paging land of Parkers 19
21 Total Farmania	Name and Parket
H I I I I I I I I I I I I I I I I I I I	Product Technology (C
I de Sumite I de	
2 14	RECUIRE 1
P. Care Security	No. Inches
P Carlotte	Popling Tomat & Poslims 17
It I de formation	Pages Town A Parket
II And Squarestine	-
I de la	
D Statements	Peoples Send & Person III
27 The Report	Region Toront Freder
25 Star September	Program Service Services Services
2) Idai Reposante	Profits Total & Petters /
The second second	
II And September 1	
21 Tital Squared .	Paging Touri Chester
71 The Squaresta	(Implied Streets)
21 Ida Reposite	Paging Town L Person
21 Tan Representa 21 Tan Representa 21 Tan Representa	Company of the Party of the Par
II I de Republic	Sec. 14(1)
II The formation	Playing Sent & French
N Sauthamate	Peging Sent & Ferber
	7.00

Pr Pr	The Representation	Reging law & Parker	100
- 21	Total Representation	September   September	1.40
- P	Co Parameter	Progress Committee Committee	es.
27 27 28	Tea Ingresoration Tea Ingresoration	below party and	TO:
pr.	Title Paymentains	September 1 september 1	-
- 21	vita (sprantales	Laboration of Laboration	93- 193- 196-
21	Tan Ingraessine Tan Ingraessine Tan Ingraessine Tan Ingraessine Tan Ingraessine Tan Ingraessine	The second second	- 13
31 31 31	The Paperson of the Paperson o	Column 1 to 1 to 1 to 1	1,875
21	Test Representation	Total Control	1,980
21	Tel Springration	Program Lines & Parlame	- 65
71	Dat Spractific  Gallerando  Gallerando  Jan Spractific	Salar care y pages	101
31 31 31	14 digenerates	Total Contract	URA
21	T-Call Recognition	Paging Town & Parison	8
21	1 that Programme the Control	Reging Vene & Parlies	- 47
26	Title Spreading	Contract Contract of Contracts	-
21 21 21 21 21	Titul Representative	Playing Trees & Parties.	- 42
21	10s reposition	Finghing Total & Physicis.	D
- 1	to ignorate	Program and 2 Parties	-
21	The Pagement States	Program Come & Parties.	
21	Title Represended	Format Liberton	15 15 16
Pt	1-the Representative	Program Law & Parties	LDI.
21	Tribal Pigersprinder	Popling Total & Profiles	
	144 Parameter	Profession 1 Product	- 1
Pi	Har Sannariada	Progress Court & Francisco	Vier
P	Total Remarks	Sugging Trees & Product	1.00
- 19	Tip Squameda	reging land Lifether	- 41
15 15	Total Figureschafter	Progray Tome & Parties	791
- 1	the frameworks	Training Lines & Product	790
- Pt	Idid Equation	Program Count & Program	Last
D	Total Representative	Program Stand & Papillane	1/9
D D	Total Ingramento	Judged james I parter	UNI
D.	Tital Introduction	Paging laws & Factors	-
P	Title Representation	Spirital prints to person	1.00
Tr.	lita ligramato	Reging Lane & Feedom	1,00
- 11	Like Spreamake	Pergray Town & Parket	108
Th.	Teles Suprementation	Pegrag Frank & Purders	16
- PC	lital Ingramation	Property Server & Property	1,046
	Test Suprements	38585858	100 100 100 100 100 100 100 100 100 100
Di .	New Supremovable	Region law & Parties	4,281
- 17	Like Population	region have a facilities	57
Tr.	Title Septembelo	Peopling Toront & Parties	100
D.	Total Improvements	Peopling Town & Fredhor	66
P. P.	the Improvides	200	169
21	Tetra Expressions	<b>311</b>	UN
21	Taked September	Regitery Treats & Practions	1897
Th.	Total Figuresian	Peoples Trace & Peoples	MA
1	Tidas Squaresta	Peoples Trees & Peoples	1,601
- 11	Trice frameworks	Reging Toron & Position	166
11	felial Pappaintaline	Peopling Travel & Festiger	1.05
31	Trick Signarates	Playing Total & Parliam	(36)
# # # # # # # # # # # # # # # # # # #	The Specialist		1,000
- 1	三	Paging Street & Section	OB
11	the Squaresta	Program Court & Parties	900
19.	And Sugressriation	Reging I and & Parliam	(30)
- 11	the fragmentation	Pleging Treat & Pottlers	1.60
P	Vital Supremotation	(Reging Total & Parliam	1.00
	Title Representation	Peopling Franci & Position	(10)
1	Title Supremotable	Sugging Travel & Province	1,46
16	The Personal Printer	Regitting Street & Proclaim	ME.
21.	Fifted Suprementation	Plegfing Trace & Popular	1000
n	Title Suprementation	(Yoghing Travel & Precision	1.00
Ji	Fabric Proposent Applies	Property Server & Persons	1000
31	Filips Programminghous	Paging Total ( Pages	1 540
	The Reportation	(Inglies France ) Parkets	1.00
21	The Reportate	Paging Toward Pagings	100
- 14	The Section Labor	Paging Front & Posters	4,807
	(1 day Representative	Singley Francis Services	1,00
a salara	The Appendix	Paging Town & Professor	1,000
	Transference (State )	Pages land & Festion	1.65
H	( And Supremotion	Peoples Total & Parket	1.00
H	That Paymentake	Paging Toward Product	1 841
21	The Paperson	Profits Sent & Profess	1,691
. 21	The Paymentine	People Street & Parlies	1,00
D	Tital Representation	Region Francis Product	1.00
21	Fried Programme Spilled	Peoples Toront & President	1.00
- P	1-tial September	Progress Smoot & Francisco	+ 84
RESERVE E	Tital Names with	Region Toront & Faculture	1.40
275	Title September	Property Service Liferators	1,000
19.	The Squaresta	People Court & Person	1.66
Pr.	Tital Squared and	Physical Street	1,297
B.	Tital Squarestee	Display I mad & Factor	UW
P.	The Squarestine	Stephing Street & Product	1.6%
- B	that Expressions	Daging Town L Parkers	
B	Print Paymentaline	Paging From & Parties	1.48
N R	"the Paymentakes	Paging Iron & Parties	1,000
Jt.	Total Representative	Property Service Libraries	1,456
n.	The Squaresta	Program I Produce	ORN
P. P	Title Representative	Haging Your & Parties	1,981
23	Total September	Registry Yours & Parchets	1,000
- 19	Fital Improvedular	Reging Steer & Parket	1.961
29	The Representation	Ringling Street & Parking	1300
25	Print Ingrametrickie	Property Comments	1 -
25	That Payment Str.	Paging Total & Pasters	1,792
	Salar September	Program Send & Posters	194
21	The state of the s	Playing Street & Product	1.00
21	The Property of the Party of th		
25 25 26 26 26 27	The Paymentin	Program Travel & Proglam	1,907
21 21 21 21	See	Section   Sect	( Mar. ) ( M

21 Idal Reportation	Paging Tare & Parker Paging Tare & Parker Paging Tare & Parker	(85.6)
71 (das Sapraeriales 21 (das Sapraeriales 23 (das Sapraeriales 24 (das Sapraeriales 25 (das Sapraeriales 27 (das Sapraeriales 27 (das Sapraeriales	ingray Total Proton	UND
21 Tabul Agramation	Reging Town & Parleton	(BPLB) (BPLB) (JPLB)
31 Titled Suprementation	Paging Sout & Parkets	186.5
N Statement	Paging Total & Parlies	Office Office CHES
21 Tital Representation	Digital Steel & Publish	(100.70)
21 Tab Spreader 21 Tab Spreader 21 Tab Spreader 21 Tab Spreader	Progray Tonal & Parket	GP(M)
21 Tital Segmentation	Playing Tomas & Parties	240.6
25. Februarishine	Singles Street & Section	8.8
25 Files Suprementes 26 Files Suprementes	Physics Control & Products	2 40 M 92 11 M 111 M
21 Total Aspesantation	Fingling From A Physics	111 (
21 Stat Suprementalis	Hapting Yound & Physics	167.35
21. Tubul Facroscophia	Toping Town & Parties	10 K 10 K 10 K
31 Takes Suprementation	Finging Total & Federi	16.E
71 Title Impression	(Ringling Travel & Partiess	19,0
31 Raid Representation	Playing Travel & Parties	W.6
31 Stat Representative	Fingling Conel & Forthers	
21. Mad Propress to Am	Display Inne & Parket	20.0
31 Day Squaresters 32 Day Squaresters 33 Day Squaresters	Playing Trees & Parties.	
21 Gran Sprantens 21 Gran Sprantens 21 Gran Sprantens 21 Gran Sprantens	Land Land T Langer	10.5 20.5 20.5 20.5
31 What Representation	Playing Tree & Parliet	-65
21 Titul Representation	Display Town & Parkets	- 25
21 Other Programmers	Confession and a Printers	100.00
1) Can deposit the	program toward freedom	28.00 30' 6
11. Pilled Engineeration	Confession Comments	70.0
3) Titled Regressration	Indian Long & Forder	-05
	magnet than a reason	- 55
	The second second	- 22
		100
The state of the s	CC-C135	70.00
1) May Represented		-
No. of the last of		
	The last last	100
- Tan	The second second	- 202
100	Translaw I hate	207
2 22	Name (and ) State	190.00
N ION NO.	Segret, David J. Perker  Segret, David J. Perk	50 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
W New York	Station Sent & Person	16.6
No. of the Company of	State State Challes	No. 75 1
N New Years	Santa State L Prober	Br Sa
7. Tax Species	Section Secret Section	10.76
10 Mar Research	333	38.00
2) Van Semestrike		10.4
El Tital Investida	Temple Town & Purples	MQ.50
VI Total Passander	Eleging Frant & Parket	20.0
71 Transmission	Haging I and & Facilities	800
II The farments	Dayling Young & Product	28.5
NA. 10.76	The second second	173.HS
The second secon		
11	-	345 18
II like homeste	200	82 82 82 87 87 87 87 87 87 87 87 87 87 87 87 87
11 See Seconds	212	40.0
	2011	-38
The Second		-38
		-38
	1	- 400
A Committee of the Comm		40 A
To the second se		-38
Sale Symmetric		10 A
Garling   Garl		10 A
Go Terrorista		10 A
Separation   Sep		10 A
de la semante  de la		STATE OF THE PARTY
Ga Symmunion   Ga S		10 A
Gal Symmetric   Gal Symmetri		10 A
Gall Symmetric   Gall		10 A
Gen   Symmetric   Gen		100 AU 100 AU
San Sammanian   San San Sammanian   San San Sammanian   San		100 AU 100 AU
Gal Symmetric		100 AU 100 AU
San Sammanian   San San Sammanian   San San Sammanian   San		100 AU 100 AU
In a symmetry   In a symmetr		100 AU 100 AU
San Samman   San		100 AU 100 AU
Got Symmetry   Got	1	100 AU 100 AU
San September   San Septembe		100 AU 100 AU
Gal Symmetry   Gal	1	100 AU 100 AU
San Seminarian   San	1	100 AU 100 AU
In the second of the second	1	100 AU 100 AU
Section   Sect	100   100	100 AU 100 AU
Carl Symmetry   Carl Symmetr	1	100 AU 100 AU
September   Sept	100   100	100 AU 100 AU
Gal Symmetry   Gal	1	100 AU 100 AU
September   Sept	Section   Sect	100 AU 100 AU
Gall Symmetric   Gall	1	
Ode Figures with   Ode Figures	100   100	100 A
Gall Symmetry   Gall Symmetr	100   100	100 A
	Section   Sect	100 A
	100   100	100 A
September   Sept	1985   1986	100 A
25 The Township 21 The Township 21 The Township 21 The Township 21 The Township		100 A
25 The Township 21 The Township 21 The Township 21 The Township 21 The Township	Committee Committee Committee	100 A
15 The formation 15 The formation 21 The formation 21 The formation	Committee Committee Committee	10 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)
25 The Township 21 The Township 21 The Township 21 The Township 21 The Township	Committee Committee Committee	100 A
15 The formation 15 The formation 21 The formation 21 The formation	Committee Committee Committee	100 A
P In Territoria	Committee Committee Committee	10 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)
P In Territoria	Committee of the commit	10 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)
15 The formation 15 The formation 21 The formation 21 The formation		10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

Salate			4.90
/IA	Tribel Consultation		
21	Age Top control of the Top contr	ITA fisher & Parliers	8.6
In In	The Squaredon	(CA See & Perfer	100
81	Non-Papermetador	Co hard & Parties	50 to 50.00 30.00 30.00 30.50
-	like Sprenden	(CA Stand & Parlies	Jan 10
-	Tales Section 1980	NA Track Product	215
21	The formation	20 Total 1 Parlies.	21.5 28 E
21	The Service	Mil how I heter	8.6
0	Lear Representation	Ma logar & Parison	90
21 21 21	like Squambles	His Rend & Parper	56 8 10 18 12 18 12 16 13 16 13 16 14 17 16 18 17 18 18 18 18 18 18 18 18 18 18 18 18 18 18 18 18 18
0	the Incompany	Side Street & Portion	78.6
- 11	da Parameter	(A Time & Parker	12.6
- 37	Total Engrande	MA Tomas & Physics	10:46
10 10 10 10	Title Representation	STA Toront & Pleaser.	26.0
31	Inter Expression	(it a Travel & Papiers	31.0
70 10 10 10	Title Representative	ITA Young & Parker	274
- 11	Total Personal State	FIX Figure 1 Perform	200
- 10	Had Ingress und	18th Vened & Physiques	8.8
- 6	Tital Suprementation	O lose Libration	100
11 11	Mary Security States	Or hand I Peline Or hand I Peline Or home I Voltes Or home	16.6
	the Reposition  In Reposition  In Reposition  In Reposition  In Reposition		19.00
- 11	The Improvided	III Toma & Papelion	84.0
11	Tital Representative	HA how & Parker	94.90
100	The Incompany The Incompany The Incompany	(A) look looks	10.0
11	Tax ferments	PATENTA A Parties	20 41
		O man A Parliam  I h Trans A P	-
11	The Reposales	Cla Vand J Region	14.9
- #	1 d. of Page completion		Jan. G
10	The Personal Control	The last of the last	76.0
	An Inpuritie	(A Tomas & Perdam	148
	Na Report to the	114 Tours & Physique	18.6
	Stallgranges	DATING A Parket	61.0
- 8	Mar September	No. 1 may 1. Parties	-
	The Samuel of th	TA Tomat & Parties	40.0
	The farments	(A) Tomat A Protein (A) Control A System (A) Contro	40.6
-	The same of the sa	It's Vend & Parket	100
P P II	-	CA Year & Parket	9.8
10	to Specialis	(A land & Feeber	Dua
-	And Department	COLUMN TO SERVICE	- MA
	Stat Papersonales	12 had broken 12 had broken 14 had broken 15 had broken 15 had broken	44
1	The Parameter	(fig hand 2 Person	46.0
16	Tay Inches	State   Section	48.0
10	And Commention	In the Land	par 6.
- 10		TA Total E Parlies	18.4
H	that Supervise	Co. Come & Production Co. Come & Production	(8.8)
P Pl P P	No. of Concessions	Contract of the last	CER
. B	the layers	It ime ( Peter	100
11	de laproreira	Filtred   Perfer	79.00
10 10 10	The Semestries		76-6
11	And Taymorthis  The September of Control of	A Tomas A Service  1.5 Seat 6 Service  1.5 Sea	### 19 #### 19 #### 19 #### 19 #### 19 ### 19 ### 19 ### 19 ### 19 ### 19 #### 19 ########
- 1	to Inpresiden	DA Tom I Feries	-
Y	The Ingraments	IIA Took & Parker	27
H	the lapsesses	G last t Pater	180.6
	the females	MA Tomas & Parket	UAX
21 11 20 21	the Suprementation	NA Invest & Pender	(16.6)
31	To Squareday	PA Sand SPANSON	田事
21	dd fignerighe	15 Tone & Continu	180
21	its impression	113 Years & Perform	146
31	The Interestation	PLA Trees & Parison	4/8
77	The Ignored Control of	To Team & Festion	14.9
- B	the Agreements	(TA Travel & Perform	127
Dr.	The Parentses	PEA Trans & Parties	70.0
Tr.	Co opinione	In Same Liberton	40.2
- 11	Tot Remerate	13 Seer & Feebra	18.5
	And Proposed the Control of the Personal Proposed to the Personal Propo	10 Town & Presiden	19.5
71		Dis Secret & Product	418
13	To ligrande La ligrande Sa ligrande	(1) Small Feder	W. W.
21	Trial Representation	NA Toront A Parties	20
-		TO HATTWEEN	18.7

	TEA Travel & Parties	-
n laborate	TA Trace & Aprileo	
11	UA TOTAL A TOTAL	-
P. Harrison and a	PA Sand & Person	-
24 Calest Diagrame dellers	Plates Liberton	-
26 Stat September	200 5-410-6-	-
2. Mar Reprodukt	PA Tom & Period PA Tom & Period Ga Tom & Period PA Tom & Period	-
N Tour Sylvensia	The same of the same	-
25 Salar Paymentals	THE REAL PROPERTY.	90
21 Mar Supremental	PATRICE L'ANDRE	1714
21 Mai Ingramation	In land & Paylor  IA land & Paylor	91
N the farmers	IIA Treet I Patters	94
27 Total Depresentation	PATING Effection	74.0
2) San Symmothe	(CL) and L Person	:00,0
71 Vital Representation	(Fig Years & Predicts	796
D The Investor	STA Tomat & President	176.6
1 de fignación	TA Tone & Perfer	170-4
21 Chai Representative	Pla Trace & Speller	WE C
31 San Squared	EX France & Products	100
3) Mari Pagramentos	MA Tours & Parties	-
25 Title Representation	Tit Tomat C Parallel	100.0
21 Salas Pagramentalina	Title Innet & Parties	-
The state of the s	The land & French	- 2
2 San Symmetria	To be Library	-
27 Mar Saymonda	The least the least to	- 4
21 San Representation	MAXING CO.	-
27 Star Pagements	Transaction of the last	-
y Name of	No least Andreas  O'Vest O'Andreas  O'A least O'And	(A)
The second second	FA Tord & Parties	(8)
21 Mar Representation 21 Mar Representation 21 Mar Representation	and lines & Peches	30.71
A ST THE	Taller Literan Taller Literan Taller Literan	310 310 314 314
21 Otto Representation	Did Total & Parison	2002
21 Mai Representation	Color Design	344
25 Star Representation	17A Tomat & Posters	714,1
21 Star September 27 Star September 27 Star September	TA Transit & Persisan	714.7
JY Har Representation	17th Yeard & Feetlers	714.30
D Total Representative	Th Total & Parket	-
15 Star Representation 25 Star Representation 25 Star Representation	STATIONAL & Parkings	214.3E
11 Mar Personalists	Ma Your & Parkets	214.90
Pf. Vibra Representative	The York & Product	
21 Tale Improvements	Ma Town & Floridate	194 W.
21 Take Representative	1973 Toward & Providence	Da.
21 Total Representation	TAX STREET & Province	- 1
21/7 due flavoration	PEA Travel & Parties	Tel.
21 / deal Programment of the	Ula Vigori & Partiers	- A
2) Titled Programming on	IVA Visit & Parties	-
21 Total Paymenting	ITA Travel & Parties	264
217 Tale Representation	TA Tomas & Papeline	
All Printer Reportmentalism	USA Towns & Frenches	264
The second secon		-
11 Titles Representative	ITA Young & President	273
21 Total Pagraphy Talley	ITA Travel & Partiety	779
21 Tribin Regress tiples	JITA Traver & Parties	- 1
21 Tribal Representative	If A Travel & Parties	194
21 Tribut Fingermentation	III A Travel & Partition	99
21 Triber Pourmentains	The Young & Parties	- M
71 Tribat Poproportation	If A Traver & Partiers	508
11 Tribal Sacresariation	ITA Tomos & Parties	500
21 Total Representation	27 A Toping & Parallers	No.
25 Tribal Representative	STATION & Parket	100
21 Vitra Courses table	STA Francis & Parellers	-
21 Total Programpringing	100 A Traver & Partiette	44
In Vittal Programme Safety	MA Tomas President	46
21/1 Mad Paramentaries	17A Topos & Parison	106
21 Filled Financianos	ITA Toron & Parties	- 1
21 T-tiel Copymentative	TA Topic A Parties	1724
21 Tribal Representative	ITA Trans & Parison	12
21 Total Paymentaling	ITA Topics & Parket	
21 The Personality	STA Travel & President	- 4
2177 the Parmertaling	Participa report A Location	-8
21/1/mg Paymortaine	Charles the manufacture	175
21 Trial Paperspriates	Program's Remotific Labora	790
21/1 the Pagrangular	Patheon County of Ta Later	- 3
11 The Topmentalis 11 The Topmentalis 21 The Topmentalis 21 The Topmentalis 21 The Topmentalis	Singrapor Ca Loaning	196
	Tyring reports judging Date for specific judge specific policy in specific agreem (newfort) and page to provide the specific page in the specific forms of a judges	
Lines		18940
	-	
	-	THEM?

middle.

Name Code	-	Diam.	Total Cont
BARY	- Participation	T	
1	Equipment .	Street less	1999
2	Nager India.	C) Trains Series	1.004
7	Traper maps	Ci hamber	81 KW YL
2	Species Andrea	Statement Comments	N TRAFF
D.	Programmes	All Proper States	E-90.00
В	Same Supreme	Section Sections	6.814
D.	Sales Sales	Street Selfs Selfs Selfs	E.W. 6
	Manifester	Hill Property States	b- made
	75 100 00 00 100 00 00 100 00 00 00 00 00 00 00 00 00 00 00 00 00 00	Distriction to the last of the	15.00-40
В	*See light	140 Product Series	122
P	Surprise Speciality	Torque Lang & Sant Mar Sant Fill France Santa	HACK.
1	Autor frame	All Proper Beam	NAME OF THE PERSON NAMED IN
		SM. Annual Parties	NAME OF TAXABLE PARTY.
p .	Spine lighter	of Person Spring	DOM
· It	- Spine Spine	100 Proper Parent	BURE IN
	No. of the last	65 France States	1354
Di .	Tighted Department	S.A Trease Vinter	T/M/A
P	Spine Types	Fig. Project States	FORGE
1	Market Laborat	hardper make	E1 45E-52
	Non-lyine	Ul Franchise Ul Franchise	F-100 W
1	Specialization of the Contract	Street, Sect.	100.0
	Trying Espine	of the last	\$00a.0
pr .	Street Square	of France Street	V 100.00
The second secon	Investigate	All Transplaces	FLEX.
The second secon	Note that the second se	Name and Address of the Owner, where	E-46 E
li .		Til Same Same	EUPER .
P	===	May represe	HEAR
li .	American	All frame better	F(Na)
. 1	New 256	Mark Press I State of the Park	N.O.K.
D .	Peer 36	HART RESIDENCE COMMENTS	1,60
le .	host No.	10 France Parisir	VOIG.
	Non-Su	All Proper Prints	ACMINI.
	Seat No.	Contra Contra	History
	Spine (mile	Section Section	S.M.A
-			Mark

DIAMON

## 1980 Sanstan Statement + 27 July 6

<b>Gbject Code</b>	Countytine of Equipility	Amount
MIADOT	Program Disreguestré à Grantight	
31	Other Party Species CV annubity	196.0
31	Other Personal Committees	1,000
34	Other Prices (Agrees City Long-Print)	1,76%
31		Long
3r	The Personal Security Co., programs	1.00
31	Ohio Phone Linguist TSP completing State Lane Prints (III Office	Ultra
50	The same of the sa	100
31	Applications from Property	1,00.0
11	o PT makes	LWIS
- 11	A Particular Designation	
	3 turber	15/60/6
31	7.0	chingin
31	Witness Trees Stewarter	LER
- 31	A D' Monters	AMERICA
31	forms have been W Larries.	14,396.00
N	Cities of Surfaces	1,001 00
31	Complete promote	1000
310	County Branch Labour Marriery	Limite
31	*Ligner	10000
31	Scotter	1284.0
	The Street	(874
- N	Continue to the Continue to th	17.000
	Chair agreement	N.M.C
-0-	Charles Colleges Coll	
- 31	WER Some Property Linguistre	1344.0
	State franche James (Bernform, San Wal-	
31	Table Section (Company)	1,000
19	Child Commander or Committee or	7494.90
1	THE R. LEWIS CO., LANSING, Married	LPH 9
- 11	Chiefs Christ Language William	VLIE'S
	State Sent String Specifications fact.	1,000
-		1909.5
Registry	Angelon Sapolators	
В	-	100
	Table and the part father 1884	Unio
- 11	) that Swanper	
	LPMD-man.	Table 4
=	Taxable Control	LANK
- 11	Place of the Industrial	Late
	( Printle Street, ) Printle Printle Street, Street, Street,	A SHIP IS
1	3 El Paris	Limit .
-		3.00
TOTAL		0.00

BEADVIE

## 1966 Repaired Tourisment + \$1,000 M

office years	Description of Equiplingua	- Pro-
	Page Street Street	
	Crain Laborary	UMP
MARK TO SERVICE	former hashed or comparison or	Las
	Parel Strategy Strategy	Lee
	THE PARTY NAMED IN	198
	Cortex Replicing collins	1,000
	Company September 1	1983
	Corners Sandrewareness	E186
	Company Agency Company	1,0700
	Company Suprison Common Company of Company o	Light
	organ baglanthers; input	5,000
	Contractor Register (1) Principality	A480
	Corner Replacement	N/ME
website	Corpora Applicabilities III A. sergente	1,000
-	The same of the same of	6.00
T STATE OF	The balance of the last	10,040
	Corner Supposed to the party of	14,69
	larger Applicable large party pro-	Cher
	Common Departments have printed	1.00
	Computer Supplement Coll authority	1,000
th other boom		4.00
_	Corporation of the last of the	-
	Company Supplementalized in company	51,861
	Computer Prophenopoles	1,0%
	Company Supplementaries	Les
-	larger barriers with	1.0m
	Control Application with	5.46
	Man Parmers	1,000
	Tomat habitumine	1,00
		10,000

# BIADO

# 1988 Contraction and a \$1,000.00

Oligant Coulty	Purpose of Agent Commed	Attended
<b>FOOM</b>	Frager Response & Donney	
	Address of the last	100.0
- 36	Terra Present	MOS
-	toma ment	44.7
- 10	Transpirent	- Annie
	Total .	1,007.67
-8-	harte	SUPPL NO
	THE REPORT NAME AND ADDRESS OF THE PARTY NAME AND ADDRESS OF THE P	Unit
	True herry clean	2.07
	UIO	Haman
	am)	585.0
-	Colombia Colombia	134,8
- 1	Personal Operation	1/84
AMPOIN.		580
PA.	Tree Committee	
В	Colombia Colom	0.55
## DIM.		630
TOTAL		me.

## VANTERN CARL AHOMA RELICIONAL CENTER

#### \_\_\_\_

Wil Terrendon	The of Females	Proposed Top	-
and the same of	Indiana England	THE PERSON NAMED IN	1,000.4
MILES OF	The Real Property	Later Personal	CPM
Accessed.	They have beginner	Property Street, Toronto.	1,000
PERSONAL PROPERTY.	Phys. Revol. Drightner.	Addy Technique	1000
	-		
1754			April 1

## EASTERN CHILANICHIA MIGIGINAL CAPPEZ

### and Towns - 21 April 40

IVE Transmiss	I That I have be	Property of Table	_
CONTRACTOR OF THE PERSONS AND ADDRESS AND	Spring Supress	married marry	1,864
-	the float leaders	Rate Totaling	1,000.0
PERSONAL PROPERTY.	And Street Department	Printed Street Trap	1,000.0
_	The Real Department	Calco Milaber	Links
_	the State Suppose	Proper Barrier & Stall	COR.
_	Fine Street Department	CHE GOT DANIES AND	1,231.3
-	the free lagran	STATE OF THE PARTY.	1941
	death floor, the displacement	Same Parries Water	12004

## EASTERN CARLANCINA REGIONAL CENTER

### The same of the same of the same of

IT'S Treasured	Company of Engineers	/www.
-	PERMITTER	Lene
_	Plateller	The Paris
-	Introduct Software	Une
ARREST OF THE PERSON NAMED IN	7	Little
ALTERNATION .	Type III	UMD I
_	7	Lane A
PARTY.	7	The state of the s
-	es	1,00,0
-	t-dece	968
MITTAL.		100

# SASTERN CHI, AMERIA PROCESSA, GETTES

# THE Supplementary of Philadelphia

TT Terrette	- Secretaries of Supplication	_
(Married Street,	•	1,000.70
Annual Control	PA .	1,000,70
_	Advet	1,79.6
-	September 1	April 15
_	Traction	- April 10
STREET, SQUARE,	Product	Print to
(majorina)	A	189.0
MINISTER STATES		Carried Street
market in	are .	-

-

#### CANTERN ON ANDREA BEST/CHAL DEVICE

#### CONTRACTOR OF THE PARTY OF THE

The Transaction Propose of Agree Contract	-
46 46	

#### SOUTHERN IN AN OFGIONAL OFFICE

#### COMP Trapped to \$1,000,00

TTR Transmittee	The of Venner	Property of Trip	
THE REAL PROPERTY.	Regional Street Way	The state of the s	24.67.8
-	Hallerty Regions		0.000
помента	Office Copies	Personal Date	TURNS.
70%			m/48
_	-		
-			
_	-		-
=			-
_	-	_	-
_			-

#### SOUTHERN PLAN REGIONAL CHICE

#### time topout a purpose

The Construction is	This or Transfer	Coppered big	teres
Designation of the last	PROPERTY SPECIMENTS	Later Street, Street, Later St	0.000
HATCHES	PROPERTY ENGINEERS	San troughout	EURA FURNI
NAME OF TAXABLE PARTY.	PROPERTY STREET,	-	PURM
reta.			MASA

#### SOUTHERN PLAIN REGIONAL OFFICE

#### THE RESIDENCE PROPERTY IN COLUMN

ITS Towns	Course of Confession	America
-	Spiritual Transplanters	740.0
PRODUCED TO	DIN /52 ARMS	0.00
-	THE COMMENT NAMED	100
mounts.	Company (1981)	LENA
Market Services	to bishellow	1969
TOTAL		780
		-
_		_
		1

#### SOUTHERN PLAIN REGIONAL DIFFICE

#### THE RESIDENCE AND PERSONS AS NOT THE OWNER, THE

195 Temperature	Description of Equipments	-
pi-merry res	Service Superment	LINE
designative	These lamper whose	100
MARKET 1	Company States	Lane Lane
PERSONAL PROPERTY.	Design Computer authority	11,786
-	Sange Corpoles sufferer	LABOR
-	Company .	Lene
projection by	OPS (Indicate)	
proclamative	177 Indones	5,00.0
PROFESSION OF THE PERSON NAMED IN	1079 Statement	8,450
-	THE PERSON NAMED IN COLUMN 1	8.78.0
95%		*400
_		

## SOUTHERN PLAN REGIONAL OFFICE

## IN Commission of Party

4 Downston	Property of Assert Comment	
	70	-
		_
-		
		-

## SOUTHERN PLAIN REGIONAL OFFICE

## THE CONTRACTOR > \$1,000.00

	· Property of the contract of
nace hery	3,466
Agreement of Engineering Coulet	ante
	Lenn
-	I,MAJA
Addist Total	Limb
Second of Husbary Cornelly Strapp.	1,000.00
	900
	4.864
	Anton Index Announce of Symmetry Code Segre- Trans- Anton Index Announce of Symmetry Segre- ation of Symmetry Segre- ation of Symmetry Segre-

#### PACIFIC REGIONAL OFFICE

#### tion & 1984 Equation Equipment > \$1,000.00 for PAC

W4 1	Beauty for of Equipment	_
Dec Street	PROJECT CASPETE CO.	971
	-	
NOW.		(4)
-	104	- 10

#### PACIFIC RECIONAL OFFICE

#### 1999 Travel + \$1,000 00 for FAC

76 1	The of Females	Property 198	Asset
-	-	-	
THE REAL PROPERTY.	PCR Drawelle		1 50
THE PERSON	COM/TRANSMI	CO COMP	7.00
STATE OF THE PARTY.	COMP. PRINCE	THE PERSON NAMED IN	0.00
-	A THE R. L.	-	F.AR
73.	Third.		2.0
-	ion.		-
_	-		-

#### PACIFIC REGIONAL OFFICE

### THE & THE COMMUNICATION OF PLANS OF PAC

fit has been	Printed & Santillation	
-	eng .	
-	ered .	-

## ----

## -

7781	The of Tender	Personal like	-
	-		
_			

#### EASTERN REGIONAL DEPICE

#### 1999 Supplied Systematics \$1,000.00

-	Description of Equation 2	Acres 1
(Delantic)	Proper Bernin	UMBB
PERSONAL PROPERTY.	Sinis Lane Prints	140
_	Survey, Conference	201
Tirths.		. 1655
		-
		-
_		

#### EASTERN REGIONAL OFFICE

#### 1989 Contractor Agreements 1 \$1,000.00

rs Irmanian:	Proper of Squatformine	_

#### GREAT PLAINS REGIONAL OFFICE

## From Figure 2 \$1,000,00

#### ....

of Summerine	This of Statement	Program of Title	Personal Co.
BIT	Anna Penni Prop	100704	1,000
P11	Alle Park Sty.	70.0	3,48.6
F11	Time State State	100	FU194
P1.	too too ba	199	6.50
-		+	8.95
			-
			_

## ----

## CHARLES AND ADDRESS OF

Street, Square,	_	_	-	

THE COMMENTS.	Title of Translet	Property of the	_
P11	Arrest Please Birgs	-	Face
Pri Pri	Cognosite foot.		AAP.A
211	Strategy Test.	-	EARL
Di.	Engineery Sale.	100	1.046
B1	Augments for	- Mari	E-10.0
211	become (III)	Name .	7,000
211	Bureau SM;	Tours.	1,79.6
PU.	Desire Chicago	Torris .	HAMA
_P1	Access City	-	1,000
-			PERSON.
_			

#### CREAT IS ASSESSED RECORDED CORNER

#### 1888 Supplied Engineers in \$1,000.00

FR. Townson	Interferent Supplication	The state of the s
	Permi basin	P(100)
	Law in house	PL788
_	and in females	2.48
- 11	Makes Shire	P.MS
	Sufferent Linguists	acpus.
	Alle Carriero Martina	AL PER
D.	- Opene Vacable	31,860
P	Section 1	M.Imi
P.	Memory	\$0,440
	the day	A. (4)
D.	Name and Person	Sig/WY
- 11	/th tens	Erph
-		100,000

# GREAT PLANS REGIONAL OFFICE

#### 1986 Supplem Compressor to \$1,000.00

TA Transmitte	Description of Employment	_
	Nime that	p.m.s
	1613 Proposer (Ballin)	0.860
	Die Propes	21,000
-	Tree bushs	Eins
	Subject Language	1.00
- H	Francis.	N.M.O
JI.	Umadro.	Mark Street
-	THE SM	61,000
		PERM
		-

## GREAT PLAINS RESIDENAL DAVICE

## 1889 Committed Agreements > \$1,000 fts

Property Name of Street	_
more vig. (ion.	1,00
Strong Common	0.00
Christ Printer Frague.	E-804
Harages Steems	PLANT.
(no beauty	N/A
	No.
	Pages of Agent Senses  Francis (Agent Francis Chapter  Fr

# GREAT PLANS REGIONAL OFFICE

## 1984 Companishipments + 11,000/8

(I bearing)	Page of Agent Agent	
	Total Printer	IF AREA
	Transfer Spread	MARKET.
	Taken Marana Program	D/RE
	Trade to Fac	April 1
	Califor Prime Streets	P.E.
-		8281
-		

**NAVAJO REGIONAL OFFICE** 

MICAL YEAR ING

1000 Trans - \$1,000.00

PPS Towners	Title of Timester	Purpose of Title	Amount
FX HOUSE	Highway Engineer	Office Charge of Date State	SUASSLE .
TX MOUDEON	Regional Road Engineer	Attest SS Process & Progra	\$1,290.6
TX MONTHROOM	Rectoral Road Engineer	Swelley, Executive Concess	\$1,000 %
TX NEXOSCO	Response Road Engineer	Accompany TGES: BusiNet	31,218.2
TX NECESTRA	Responsit Road Engineer	ARMY WASHING - Chapters.	\$1,017,6
TK WINDOWS	Highway Crystons	Training furnishments of Des	0.049
TX WILDING	PROFITED ENGINEER	Try - using Expenditure for Car	\$1,1867
TV: NOODWOO	Highway Engineer	Tig - Restaures Law Core	\$1,175.75
TK HEXISTE	Partners Cramer	Tig. Fyranset Dergar & T	FI NO e
TX restrecte	Computer Spectatol	Tig-180 Arous List How	11,000
TX HISTORIA	Group Training	BARBY View that Cartespays	B.DER
TY MISSISSE	Beng Training	Parament view plus Garage	\$2,865-6
100		TOTAL FOR PERCHE YEAR TO	120,000
TA HINDMING	Regional Point Engineer	Atlant WASHING - APRIL A	F-80.2
TX MIXIDEIN	Highway Tropium	Tracky - Water Surface Prof	31,073.4
Fix Appropriate	Highway Engrand	Tig - Professional AutoCatil	\$1,000
Vir. HIGHWAY	Highway Signam	Attent WARTO - Armed A	81,225
TX PERSONAL	Program Arefold	ARMYL WARRY - ARMYL A	\$1,547
The receiving	Regional Road Challenge	Attant Inging - Porters.	ELOSE I
THE PRODUCTION	Randonal Reput Ergolese	Attack happing - Moregoth	31,150-0
TX HOUSEON	Replaced Road Engineer	ARMY HAPPING - ENDINGER	1,60
Va motorie	Company Sympated	Try - 19th Annual Elife Inter	11/407
TH MICHIGA	PROPER STREET	Attant Hegiliag - Authorage	\$1,407.8
VI-CHONNIA.			
		YOUR NEW PRICE YEAR HE	STEMAN

#### MAYAJO REGIONAL OFFICE PISCAL YEAR 1888

Description of		_
FS Yoursel Equipment Tuppess	Arrend	
at the said from the same of the	ACMUM.	_
MA MARIEN SERVICE MARKETURES APPROPRIES. TOP	SCan In	_
A residual Section Sentence Communication (Communication Communication C	SCHOOL STATE	_
Mis Hilliante Service Hartmanne Agriculture 19	E-M-W	_
MX HOUGHT Janvice Mantengrate Agreement - Cit	1000 6	_
Mr. smillable Assessed Contain Property Services	42453	-
MX HEXINGS CITY DATE: THE STREET WAS DESCRIBED THE	ETS TO	_
NA MACHINE PROPERTY STREET, TOWNSHIP TO STREET, THE PARTY NAMED IN COLUMN TWO IS NOT	B.W.O.	_
HE MINING OF AN INC. SAME THE PARTY	EL HE SE	_
THE PERSON NAMED IN COLUMN 2 I	10,000,000	
AND REAL PROPERTY OF THE PARTY	10.5KB	
UV AND AND Product and Employment Company	10,000.00	
LO MONEY Course reserve Cutant Design	MUNICIPAL TO A STATE OF THE STA	
the Santonian and Communication Eventures of Sect.	ECHICAP I	
MY ANYTHING PROPERTY COMPANY MANAGEMENT IN THE	ET AND REL	
LIV SENSOR AS THE CHIEF VILLAMES WHISTON OFFICE &	ELIMA etc	
AND MANIFEST FRANCISCOPING Townships or with the	B14.879.92 1	_
Mr. sentition GPS Tend Blakes switch 1542 frame	MC/m 保	
MF MILITARY FROM Part Rolls, Constitute - Spring	EL COLOR	_
All an incident Control personnel der Wah für gehanden Steiner Auffrage in Franke in Steine Institute Auffrage in Steine in Steine in Steine Auffrage in Steine in Steine in Steine Auffrage in Steine in Steine in Steine in Steine Auffrage in Steine in Stein	11 (19 d) 11 (00 d) M/14 (0)	_
NO NOTION PC ARCING 0 11 upports for whaten	N. 10 W	_
MX MODBLE DGPT form Taken mit III PRODUC	- Killing	_
MX HOUSENE OF S THE STREET, SUTHER STREET, WHEN	N1-200 (H	_
MAY MANUAL COMP. Towar Continues Particle Printer	96.875.87	_
W. Mccard by Jackson Space, Louisian as 3	0.00	-
MX MANDRIE CHOMPAIN MAY NOW THREE	製造者	
MA SERVICE TOWNS OF COMMENT OF THE PERSON OF	11.00 E	-
No. of Concession, Name of Street, Str	\$1.500 M.	
Ma ascrategi France Spece Com	\$10,500-00	
Mr M// Jones Computers (6)	\$16,404 OL 1	=
NY MARIAGRA Manda Copper	Ex. ext. coc	
and Schoolstern, Today from Earning - Haratt Committee	W. 156.00 V. 766.00	_
MA NATIONAL ACTION LIBERTS FOR 1 (5) TAKING THE	80,96361	_
NO MANDER   SOR ENGINEERS - PRINTED	\$3.00 /1	_
MX NOAMEN   Office Inggine - GSA	11.00 8	_
MIT WENDOW   Provide Office Space	(2.00 m) (2.00 m)	_
MO NON NOW Committee - Cutement (CSM)	NO.79 R	_
MX RIASHINE   Chimpions - Gathway 2000	108029	_
MX robultate   Survey Land	\$11,816.00	_
MA HO42008   Marcal of Trials	NO.	_
NO 1/2 M/m Computer 1 Originary 2008 No reprinted Computers Committee 2008 Legit Committee Committee 2008 Legit Committee Committee 2008 Legit Committee Committee 2008 Record of Trailing No. 1 Committee Committee Committee 2008 Library Committee	Birth contratt	
Sex total secol Correlation - Cottoning 2000.  Sex high 2000 First Art Tragelon.	17.194 th 17.194 dh 17.294 dh 17.294 dh 17.794 dh	
CAT DEFENDING T A COURSE I SUSPEND ROOM . 12 St Minetimer State	E-296.06	=
To province   Later Street	\$5.40K.E5	
MY Mile 1998   Survey Lawren	(C217.35)	
MX HTD WORTH Lawn An Prince & Calle	100 m	_
Mis equipmed Saling Street MIS 1915-2001 Except Legal MIS 1915-2001 Care of Printer & Colon MIS 1915-2001 Care of Printer & Colon MIS 1915-2001 Care of Coloneary		_
MY KENDOON COUNTY OF SOME	HEIS	_
MX NEROSINO LINES GREGARE	記事業	-
AND THE PROPERTY OF THE PROPER	E de la constantina	-
MIX NORTHINES AUTOCAD, Automot	E-40 表 11.173.80	_
MX ROBINSOI PE CHANGE 240	11,867.18	
MX NORTHERN Servers Northern California	\$6.50m 75.	
LAX REGISSAL Armost Literas Fam - 12 Section Fam	E. Marido	
AND DESCRIPTION OF THE PARTY OF	ELECTOR	
Life Secretarion for the second second	\$4.400.00	
AND THE PROPERTY OF THE PROPER	11.67 m 11.68 m 11.50 m	
MX MOVIMENS LINE WAS PARKET AC ASSESSED.	\$1.404.M. (	
MY MACHINET HAVE FREE EINSTONE FOR BOOK	\$2,300 Oc	
MX MICCOSTRIC Fernium 20s Times Casa erientions	\$26,460.00	

March   March   March   March   Street   Case   C		797-079	-
March   Marc	MX NAMES OF PARTIES AND ARE TOWN CARE DISTRICT	2504.00	
Color   Colo	MR HAUSSING AND VEW U.S.	0.002	
March   Marc	The second contract to the Carlo Management	V) ATC OF	-
Table   Tabl	MO MINISTRAL AUGGNES ALTO CAD ARROS MOUTHER T	LI KER OF	
Mode	Last regulat their whister Florage Stamper	\$11,696-bit	
Mail Notice   Mail Note   Ma	NOT PARTICULAR TO MAKE TO THE STURBER	\$4,083.00	
Total a page   Tota	ME MICHTAN HAMMER IN HITP ROWIN	3A,000-30	
PSCAL YEAR 1989  10. INDITION Commission Selection remains  10. INDITION Commission Selection remains  10. INDITION Commission Selection remains  10. INDITION Commission Selection Remains Indition  10. INDITION Commission Selection Remains Indition  10. INDITION COMMISSION COMMISSION REMAINS INDITION  10. INDITION COMMISSION COMMISSION REMAINS INDITION  10. INDITION COMMISSION	MX MOCHES! Office pupping	\$1,456.54	
Proc.   Pub.	TOTAL FOR PIPCAL VE	\$277,494.32	
M. N. O'COND.   Control States   Security   Control States   Control Sta	FISCAL YEAR 1996	The William	
Mar.	MA NOTING CAMPINGS School Property	\$52,964 CK	
Column	MX NOTICOS Manteraren Tarves Agresment, Kan	17,000	-
March   Marc	Mr. School Manager Series Assessed Series	ET INC M	_
Mail	Mr. Services Supremuces Spring Assessment Services	\$1.505.00	
Mar.   Proceedings   Description   Descrip	Mix hall 1930 At L-751, Arman Agreement - Column	\$12.ME on	
Mail Processor	MX recitority but Cartestant - IP Denning Fig. Fred	EX. ONE OIL	
Automation   Control   C	NO HOUSEON STANGERS CARE SURVEY STREET,	\$15,600 SE	
Mathematical   Presented Analysis Completed   Mathematical   Mat	NA HANNEY SHENTEC Paper streether	\$1,624.84	
Committee   Comm	MX RELIMINE Parented Analysis Design Schools.	0.00	
Column	MA PERSONAL EVALUATION CONTROL CAME	B1,000 W	-
March   Colonian   C	Ally according to the Property of the ASS ASS Total Business	67.07.6	_
March   Andrew   Andrew   Andrew   Andrew   March   March   Andrew   Andr	Mil resulting (often furniture, timesery furniture As	APA THE PA	
Mill Motioned Anti- The 12 of Consolidation (Consolidation)  Mill Motioned Protective the American court of Americans (Consolidation)  Mill Motioned Protective the American Court of Americans (Consolidation)  Mill Motioned Protective the American Court of Americans (Consolidation)  Mill Motioned Protective Court of Consolidation (Consolidation)  Mill Mot	MA RECIPION PROMISERS ASSESS OFFICE STREET	\$1,444 M	-
Mart   Price   Price   Price   Section   Communication   Decided	MA ACCURATE AND View 2 D -2 1 language (sensitive)	E) Alc at	
July   March   Principles (Company of March Sept.   1, 200 to     All   March   March   March Sept.   March Sept.   1, 200 to     All   Address   March Sept.   March Sept.   1, 200 to     All   Address   March Sept.   March Sept.   1, 200 to     All   Address   March Sept.   March Sept.   1, 200 to     All   Address   March Sept.   March Sept.   1, 200 to     All   March Sept.   March Sept.   March Sept.   1, 200 to     All   March Sept.   March Sept.   March Sept.   March Sept.   March Sept.     All   March Sept.   March Sept	MR registrior Present Cities married	12,7% W	-
Auto   December   Communication   Communicat	MA MOUTHER PORCE - MARKING COUNTY AVAILABILITY	\$1,000-00	
M. A. A. Marchell,   Mayor of some Communication	MY INCIDENT PRINCIPLE STORM Extraplies by eat-	12400 04	
March   Company   Compan	MX retitled Algored even they Contingentibite P.	八個家	
	MA ACCORD Tober parelies to 14" latera pad	DANK.	
March   Marc	the property of the Party of the Party best	1 March 1	
Company   Comp	We have an annual interpretation of the state of the state of	D. 40.00	
March   Marc	Mil william (the heartest constitute of	1000	
Mail   Michigan   Straight   St	Ma Middleton briefings Management Cont Drawn	10 Dr. m	
Martine   Committee   Commit	his municipal major Conveying 1995-that Streets &	\$1,147.50	
April   Apri	MY MYCHIGA CONTRACT NAMES PORT (THE COST, AND	AL APR 40	
All	MAY HAVE BEEN ELEVENING MAJORIES - 2-WEST CORRECT PROPERTY.	MUNICIPAL BA	
And the Control Companies and Section Section 1971 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	MA WATER Expense have Except softer from Sept.	Set the div	
March   September   December	MI MOURE Company miscensors our miles	370,865.00	
The Control of the Co	MY PACKETS Francis Communication Corn. Chicagos	\$1,751.41	_
Color   Colo	MR. SPECIFIC LAND LETY CONTRACTOR	540.8	_
14   1   1   1   1   1   1   1   1   1	Military Committee Committ	1000	
March   Company   Compan	No will write Labor Street	Et altrait	
Mail   December   De	MA WILLIAM CONTRACT	17.897.40	
Mail	MR NUTBERN Company	ECHAM	
Mar   Text  More   Of Commercia (1997)   March   Mar	MX HISTORIE I-P Copy Langue Preser	\$4,000,000	
Mail   Mail   Order containment depart   10   10   10   10   10   10   10   1	Mit HISTORY HIF CORY Laborya Princer	TOPAR.	-
Companie forderings  SE 1-12 Sec. Compan	Mit METHOD Office workships dogs.	EMIR	
Company   Comp	Consulte metaments	0.000	
20   10   10   10   10   10   10   10	AND DESCRIPTION OF THE PARTY OF	17.00	_
March   Sect   March	NA RESIDENCE OF A PROPERTY AND	D. Company	_
See In Line 19 Anny Market Service Communication (1997) Anny Market Service Co	Mr. Hilliant Was Purel	17.68.40	
Act   March   Annex	his eligibate algementation hypothesis - carrie (1950)	\$1,810.00	
MAI   100	MAX REPORTED ASSESSED LABOUR FIRE-U.S. PRICESSED.	\$1,000.00	
March   Colonia   March   Ma	MA. HELLING THEMPTON ANYON, CANON CONTRACT	MUNICIPAL STREET	_
Compact Compact   Compac	MIT NOT SPECIAL WAYS STURENT SINGS	11.19.90	_
The State   The	Control of the latest of the l	100	
Color   Colo	PARTY PROPERTY AND ADDRESS OF THE PARTY PROPERTY	199	
Column   C	Mile Street CAD Subject Co. V. Street	10.00	
Land Conference   Incompare   Landary (1988)	Minimodill' (Office supplies - SIAA	\$1,245.60	
100   100	NO NORTHER PROPER LANGE THE	N.PEW	
Mark	NO HORDOWN LINES LANGE THE STREET	\$1,804 (b)	
Month of the Common of the Com	MA NORMAND LINE COME BUT FAR MINUTES	NAME OF TAXABLE PARTY.	
Unit   Section	AND PARTY AND PERSONS ASSESSED FROM THE PARTY AND PERSONS ASSESSED.	1277.0	
SC   CHARLOY   Annual Larray Fac.       Pearson Ro	AN CHANGE MANAGEMENT AND ADDRESS OF THE PARTY OF THE PART	1000	_
March   Marc	and bearing and Assessed Laurence From U.S. Statement Por	II. The second	
Material   Medical   Med	MA WAR MANY MANTENAN SWING - Factor Com-	12.30	
Math   Machine   Math   All   Machine   Math   Machine   Math   Machine   Math   Machine   Math   Machine   Machin	MA NUMBER OF PROPERTY PARTY AND THE PERSON	1079 8	
March   Company   Compan	MOS. PARADOSE. Large distances survivals.	14.800 m	
Section   Free   Profession   Section   Sect	Mil Substitute Comment of the same	いを乗	-
Color   Colo	MA NAMED WANT DISTRICT LINE	1000	_
Dec   Control	AND RANDOM P. ADDRESS OF THE PARTY OF THE PA	TAKE A	
Committee   Comm	A THE RESIDENCE AND ADDRESS OF THE PARTY OF	17174	
Sec.   Control	MO ANDRESS SERVICES BACKWAY CANADA	11.10	
Max   Microsoft   Microsoft   Section   Section   Section   Microsoft   Micr	MO MARRIAGO STOCO BASINESS System  SAST MARRIAGOS COPIS CONTROLLED BASINESS	10m2	
April   Apri	NO PRINCIPAL SERVICE PROPERTY SPANNERS SERVICES AND SERVICES SERVICES SERVICES AND SERVICES SERVICES AND SERVICES AND SERVICES SERVICES AND SERVICES SERVICES SERVICES AND SERVICES SER	F12 HE 201	
443 Manhares   Companies Allife 1985   Michigan   Mic	ANY ANDRONE SECTION BUSINESS COMMENT SET SECTION OF CHEROSTONIA OF MAX SECTION OF COMMENT COLOR MAY SECTION OF THE COMMENT COLOR	\$19,001,00	
March   Marc	ADV. ANGERSON SECTIONS Description Systems ADV ANGERSON COPY Interventional, Intel ADV ANGERSON COPY COPY COMMUNICATION COPY ADV ANGERSON COPY (ANGELS) ADV ANGERSON COPY (ANGELS) ADV ANGELS OF A COPY (ANGELS) ANGELS OF A COPY (ANGELS OF A COPY	D. P. S.	
Not excelled descriptions from U.S. Manuson file	AD ANABASE SERVICE INCOMES System AND ANABASE CONTRACTOR AND AND ANABASE ANABASE ANABASE A	D. rep. St. D. rep. St.	
Apr. Nacial Feb. 14th Designer Annew (1 - Not per Nat Nacional) Communication (1 - Not per Nacional) Communication (1 - No	And Available 10/10/2 Becomes Equate 307 Indicates Orbit International Act 407 Indicates Act 407 Indicates Orbit Internation Act 407 Indicates Act of Security Indicates 407 Indicates Act of Security Indicates 407 Indicates Orbitaly 407 Indicates Orbitaly 407 Indicates Orbitaly 407 Indicates Orbitaly 407 Indicates 407 Ind	E-49.5 3.49.6 3.80.6	
MAX Restricts Communication Co	AND AND HOLD STORY BASEMEN SERVICES AND	12.49 S 34.48 S 52.50 d 52.77 S	
MAX NAME OF THE CONTROL ASSESSMENT OF THE STATE OF THE ST	MO Antiblios (2000) Becames System  AND Antiblios (2000) Becames System  AND RESOLVE (2001) Becames System  AND RESOLVE (2001) Becames Significant  AND RESOLVE (2001)	日本 日	
Mr. MARROS Corres of the State	AND PARTIES STORY Excessed Systems AND Translation STORY Excessed Systems AND Translation STORY STORY STORY AND TRANSLATION STORY STORY AND TRANSLATION AN	12.400 % D. 466 % SL 200 % SL 777 % ST 766 % C Jan 26	
MC NAMES OF THE PARTY OF THE PA	Mo. Analitica   \$1,000.00 Insciences Systems (Mo. Analitica   \$1,000.00 Insciences Systems (Mo. Analitica   \$1,000.00 Insciences   \$1,000	52-99 St. 14-16 H 52-30 d 52-77 d 51-76 St. 51-76 St. 51-76 St. 51-77 St.	
TOTAL E TOTAL PORTACE AND A SECOND	ADD Anti-Bloom 1 (2000) Becames Systems ADD Anti-Bloom 1 (2000) Becames Systems ADD March 1 (2000) Per State House Systems ADD March 1 (2000) ADD	12,400 (0), 14,100 (0), 14,100 (0), 17,77 (0), 17,70 (0), 17,100	
	ADV. Askellikos   \$100,000 Bestevens Systems   \$400,000 Best   \$100,000 Bestevens Systems   \$400,000 Best   \$400,000 Best   \$100,000 Best   \$1	12 mg m 34 mg m 34 mg m 32 mg m 31 mg m	

#### \_\_\_\_

#### ----

-	The of Females	Patpus of Tigs	Amount
AND INCOME.	PERSONAL PROPERTY.	DETAILS AS THE PROPERTY.	R.F
ALC: UNKNOWN	referent tocasign	HE WATER EXPENSES	NU.
and come.	ACCRECATION DESCRIPTION	STREET, ASSESSED.	Q.
		20%	79.0

#### AND POST OF REAL PROPERTY.

#### -

Topographics	The of Farming	Pages 478	-
	PERSONAL PROPERTY.	CETHALD-ALTHOU PRINT MICE.	N.P
P	repent Deserte	THE SEA PERSON STREET, SALES	E)6
D.	HERMAN MACHETIN	The second second	70
		TO.	PLE
			_
_			
-			

#### -

#### \_\_\_\_\_

64 harastini	State of Engineering States	_
. 16	partition bits o con-	No.
P.	March 14, French 20 min	. 20,74
	Indicting Datagonal	2.00
-	of Marin At Printle Name (No. 1994)	MAZ
	COLUMN PROCESSO AND PROPERTY AND PARTY AND PARTY.	CAS DIRECT
	Paris Contract Contra	
_	MATERIAL TO AND LIGHT AND A STREET	PLS .
-	THE PERSON NAMED AND ADDRESS OF THE PERSON NAMED IN	-
	PRODUCT VANDRAGE, TOURSAND PRODUCT	THE PERSON NAMED IN
_	MARKET MINALE	
-	STORES IN THE	2,0
	A. OLDER MINISTER CALCE COMM	EAI
	HOTAL .	(4,0
-		

#### Annual State of State

#### -

PATIENTS:	frauties of factoristings.	-
	Section 1994 and 1994	\$9.79
	OF PERSON AT PRINTED WHEE, PRINT, BARRY	18.0
	COLUMN PRINTER, MINISTERNET BY \$4500 AUT OUT	THE DOOR
	Printed.	
	MATERIAL PROPERTY AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON AND ADDRESS OF THE PERSON AD	line.
	SOMETHINGS TO MAKE PROPERTY PROPERTY IN	-
	PROBLEM VEN HOUSER. TO HEAVY ANGELY	STATE WILLIAM
	MENCHA RESPO	
	797m	19.6

#### SALTING PROPERTY AND INCOME.

#### -

PA Transferred	Propose of September 1999	-
	HOME FOR AN HOSPITAL PRINCE OFFICE.	
_		
_		
-		

#### ROCKY MOUNTAIN REGIONAL OFFICE

#### THE THE PERSON IN PROPERTY.

ort liments.	The of Taxable	Proposed Trap	Name of Street
Pt.	COMPANY & ASSESSMENT	Prog. State	5.50
- 11	CARL A PROGRAM	ing fig.	R.M.A
	WHEN ELECTRICAL PROPERTY AND ADDRESS OF THE PERTY ADDRESS OF THE	Copings Mileston	10,750.00
	SALER PRODUCT	the fee	N. Sales
B.	STREET, F. PRINCES.	Na Pa	0.00
-	DOVELS AND SE	Service States	D. Phillips
- 11	the lightly makes of delightly	Tree Real Proper Total	PL-105.00
	the Person Marrier and Strict and	Ing Eng. Place Street	DAME:
	AN CHARLE BASING THE STOLARDS.	Tree Free Place Today	M.250
P	THE PERSON SEASON AND SHIPLANDS	May fine : Main Sept.	TOP IN
	THE PARTY SECURITY STREET	Personal Printer Printer	FLEREN
- 11	SAFETY BOTH OF SELECT	Rog Ring - Place Toront.	11,000,00
-	AND PERSON NAMED IN COLUMN	Deaths: Free State	1000
TOTAL .			ne.
			-
			-
_			_

#### ROCKY MOUNTAIN REGIONAL DEPOS

#### -

Drawing and		
Pra Transmitte	Tetritopi.	-
-		
CHAPTER .	Strong Saphyson	15,016
Charles	Service Control	4.96
PRESTA.		845
-		
CATALOG AND ADDRESS OF THE PARTY NAMED IN	Service Springer	200
-	Partiet	Name of Street
CHICAGO		9,304
NA SIN		NA.
THE SALE		-

#### ROCKY MOUNTAIN REGIGNAL OFFICE

#### ....

PR Supposed	Supplicate:	
-	THE THEFT	
-		
FY 18		
	Personal Personal Publica Personal Personal	LIFE
	Married States	4,00
	rghaley Ola handelles	Land
	Office Submittee Street	944
		1,000
-		- 100
-		
	Party for the State of State o	-
	Photos for the Gostand	
-	Party for the Comment Section Sections September	100
-	244	1,004
_		
-		
	100	-
	THE REAL PROPERTY.	NAC.
		1,00
-	444	1.00
	dail .	
2	Public for to proceed  The control of the control o	### ### ### ### ### ### #### #### ######
	-	- 126
	and the same of th	
	man.	CHI CHI
-	Nes .	1,000
-	The same of the sa	- 1
-		- 17
	THE .	19
	AAA	100
	788	1,000
-	mi .	1,000
-		
-	160	100
	and a	Left.
	Marking Company about Comp	
	Total Control of the Control	1,000
And district	-	#14m
-		
77.8 		
***		
	THE THINKS	1.00
	AAA TANKS	Lam
	Denter Committee	1.00
		1.00
	oth Selection  All Control Communication  Department Communication	50 50 50 50 50 50 50 50 50 50 50 50 50 5
_	Total Company of the	
	Finding Germanian Street	- 100
	August 440 Medicales	1/40
mm. Street	0.00	5,00
_		
- F		
- 11	more freign	136
- 11	Number Nation	198
_	Auchor Bright (APP) (APP	1.00
	COLUMN TO THE REAL PROPERTY OF THE PERTY OF	110
-	MOST COMPANY	
	Production of the last of the	- 50
	Cities Salar Monthless	15,000
**	Tableson (and the last	
-	Total Security College College Street	1.0
_	THE PERSON NAMED IN	100
-		5
-		
	Charter (world)	100
	Alberta Abress	1,075
-		
-	The Street	
1	Charles Abroad Charles Abroad Capita Salemanna	1,00
7.0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	-	875
-10.770	the Name	188 189 189 189 189 189 189 189 189 189
AN TON		F/1

----

PF Transmission	The of Tennine	Propose of Tag	-
Table Seller	Principle Sections	here.	31 963
The second	Phylinia Displace	~~	harta
m-ment.	Agency Digition	in the	11/54
THE REAL PROPERTY.	Hybride Edgeson	-	10,000
DEPOSITS OF	Hymn Supress	Committee	+ 200 a
PERMANE	Ann Rose Sugares		France
TON-STRANS	Personal Engineer	Seeing	2.000
Third training	Program Lamone	Tracks	1004
Section 67	Spirite Degree	Name Toront Toront	PARK
Sizeriania.	Harris Dispress	Promp	Prince
SECRETARIA DE LA CONTRACTORIA DE	Planting Strainers	Parties.	9.864
DIMERSION	Java House Hogerson	Page 1	200
Sinteleth Corp.	Statement Resident	Personal Property	91,291.0
Section 1	Street Floods Singerow		han-
THE REAL PROPERTY.	Africa Ergenet		\$1.194
SECURITY SECURITY	Annuality Valorities	Comme	21700.0
inveloperate	Marine Digition	Trans.	F.800
Ti pasing it	The State Statement	- Company	Market
THE REAL PROPERTY.	Highest Depose	- No.	1.04
desired	Spring Stylens	10 MI	Piles
Pottes.	thereto.		60.00.0

#### ALASKA REGIONAL DIFFICE

#### Southern Suprement + \$5,000,000 for \$4,000

HILTONIA CONT.	District of State States	
THE RESERVE	Company Statement	TOW TO
Continued.	Tin Seron	100.00
DEPARTMENT	District Disperse	PHATE
101400100	This Fundam	Engine .
Displaying	Corpora Figuresa	\$2.40.0
CHARGE	Select (See Test.)	M = 0
CONTRACT.	hitres	M.00.0
TOTAL COMPTE	Partners .	N. 200 W
Constitution.	Authors.	2.00.0
TOUR BOOK .	200 belless	P.C. C.
STATE STATE OF THE PARTY.	Office Parties (Commont)	PERM
-	Name (Paginian)	POSES.
-	Committee and	Ame
534	amous men	MAJOR
		-

## ALASKA REGIONAL OFFICE

## Contracted Agreements in \$1,000,00 for \$1,00

*Changemil	Property of Assembled	-
_		No.
_		
_		
_		
_		
_		

#### MIDWEST REGIONAL OFFICE

#### Transi > \$1,000.46

-	The of Females	Present file	-
TV94	-		
or comments.	Darth, Mr	Tomas .	6,73.4
nia Parametria	inn. T	Second Street Streets	PURCH
AND PROPERTY.	men.t	Tests.	9,962
AN PERSONAL PROPERTY.	Trans. T	Two Lamp Watering	PARA
OR PRODUCED	in.	COST Transparent	NAME OF TAXABLE PARTY.
_		-	Dian
MIN.			WAR.
7196			
N. MINISTER	Sudangel Spread	Planting Treety	F-2016
of Personality	Marie C	Pleasing Sections	20,04.7
all Chemically		States.	R.P.R
at Proposition	Two 1	on Young Bleet Conf.	1,214
of Personal Print	ion 1	(III. Array, IIII) Barrier	1.00
and Parliments	Street, 8	ANTIN TORTH	N. Hallen
and extended in	Ten. F	Law Tribute Speak Start	1,00
		and the same	Be 18.0
WHA.			MI/NO
			-
_			

#### MEMBET DECIDINAL DEVICE

#### Supplied Engineers > \$1,000,00

PFR Transmittee	Description of Paragraphics	- Longon
FYNE		
AA PRODUCTION	Con Services	Monta
ALI PURCORNIN	Experience Commander	W.Ph.e.
no Francisco	Olders (Impare)	Fulled
and Parameter.	S Com. (N Porting)	7.000
No. Paleston	the lim Halter	1951.8
and Physicians		Made
THE PERSON NAMED IN	Continue of charges	Election .
at Parameter	Subsect Subsect	A ALIEN
and Philippelline	S. Coming Companies	- CLARK
	Office States	AND
MILTERSON	Total Management	P. Part
HIR PROPERTY.	Total Realise	TO STATE OF THE PERSON NAMED IN COLUMN 1
No PLINSON	Office Flammace	NAME OF TAXABLE PARTY.
AND PERSONAL PROPERTY.	Sindress Management	1.00,0
AND PRESIDENCE	Cord Start Selver	PARKE
HILDERSON,	Chia Carella	N.M.
	oles Strep Products	H.R.1
		press, ET pa
-		
Fylia		
ALI PROPERTY.	AV Enteres	N. Obert
But seemant and	Office Supplies	ESPN.
AL MICHELL	the basis	1,44.1
No Participation.	Otto Street	2000
NO. PRINCES	The same of the sa	No. Ob. or
or Project		41 May 10
last Phonocome.		N/MA
no Figuration	Tagine figuress	E.M.
	Other Statement	byen.
A MARKET	Autom fatows	0.865
MI MANUFA	Sind Ser Deliver	FARM
No. of Concession,	Street Charts Street Charts	E.Dest.
	THE COLUMN	PACE.
or Photography	Carrier Comp.	P.185
ALCOHOLDS.	Today Company	NAME OF
HE PARTMENT	Pres Sente	Fuel III
In Column 1	Englaces Salary	5,764
No Chicagon.	Contract Survey	b with
ne / witnesse	SCHOOL STREET	30,000
to American	Pers Secon	E/ME
but Freezoweth	Property Company	<b>新ごり</b>
No Comments.	These marks	Printer
Jack Physiolegis	Other Further	644
of Property.	name.	P.ON.
A CHARLES	Cast Russ Street	District.
NO. FROM	Commerce Front Print.	E-Mill
an Patronetta	THOM	\$1.7% B
(N) MARTINES	Other Schoolses.	1984
DI MANTHE	Cost Can Professe	EJAN B
OF REAL PROPERTY.	Sinds (on Fundame)	1966
DE WITH MINE	Mu hade	1,512
District Contract of the last	The Providence	1/94
-		5244
	The Street Continues.	-
Willes.		N.M.S.
Library .		1300

## HOPFWEST BEICHAL OFFICE - BOARS

## 1964 Years - \$1 minut

MI breamfeet	The of Tenants	Property of Tree	Enemal .
THE PERSONNELLY	Tribal Transp. Room	Tenne Secreta Commit	BUTE.
TO PROPERTY.	Trape Toronto, Photose.	Toront Personal Linear	PL/619
TREPRESENT.	Minis frame	The same of the sa	BRIG
TO PRODUCE LA	Marine Trapeur	Patrician .	SURE OF
11/1000	Coloning Max.	Ten. Printed	8,198
U.S.			1988
_			-
			_

#### DESCRIPTION OF THE PARTY OF THE PARTY.

#### 1994 Supplied Equipment > \$1,000.00

PER Suppose March	Street or Supplement	
Po Principles	Submery	0.000
PA PROMOTHORY	Defense aggreend towns.	No. ART. of
Pa Processing	CAST underson appearing	DALINA
Ph. Principles	Citiz group	bar s
Pi Principal	of the company	9.80
at Planting	Berry States, School	D,ALL
rots.		Mileta Mileta
-		

#### THE CONTRACT OF STREET

() Specializad	Pages A Symplemia	
na Paparamenta - Ann Paparamenta - Ann	one yes helpen	E.A.
MIN.		8,00

## ANTHRO MINAS PER

## TARRETTOWNS + \$1,000.00

O'd Transporter.	Title of Trapelle	Perpensió 100	-
THE PROPERTY.	Trial Toron Prince	THE PART COMPANY	PARK.
The Property lies	Take Tone Person	The Period and Period and	PARE
TR. PERSONAL PROPERTY.	Indifigurating Tester	Proper Street	F-2017
IN PROCESSION	Spinory Read Elegand	Personal	30,400,07
TO PROGRAMMENT	regress to a	and a	0,014
TA PRINCIPE IF	righter from	and:	1.00
In Provinces	Total Total Passe	404	31,000.7
			-
-			
HI/THE			tining.

#### ACRES OF SERVICE OFFICE

#### 26.006,12 - Deposit on Employee 1001

PER SHAPPING	Street Section of Equipment	Ament
Pa Provinces	Office of the Handson	Victor in
PLANESTS.	(III) I company paper.	0.79-6
PA PRINCIPAGE	Therein LAST and MT Brown.	D. M. A.
Ps. Province:	Indian pagent	DAME.
F3.Parespeed	fefferer appropriate agent	BECOME.
PERSONAL PROPERTY.	Saffrage and come Security	E-Miles
THE PERSONNELS	Services and other	0,41.0
PA PERSONAL PROPERTY.	Chinal Traditioning Systems (1986)	BAT M
P1 Promising	Pine states	PARKE
PA PENNINN	OF the second	\$6.790 M
The Personal Property lies	Valle Conting	-
EX.POHINGO	Indian Reports	D.P.L.
PRINTERS AND AND	Probability States Schoolster	THEFT
POST THREE SETT SHE	Platerty Darley Schoolster	3134.0
CLINETWOVING.	Commercial	10,700.00
A SECURIOR OF	Togette Geradous	9.07.8
C MADES	Supple Services	FLECK
-		-
WITH REPUBLIC		Activities to

#### MATERIAL SPRINGS OFFICE

#### 1999 Contracted Agramming > \$4,000.00

FE Description !	Person of Agent Contract	Anne
IN WARRANCE !	College phone wholese option	H-MAR
A MINISTRA	Safety prices of the section	5.60 6
-	District out	1900
_		

## -

## THE BURNEY WHEN THE PARTY OF THE PARTY OF

TI.	Increde of warrant	- Comme
-		
_		
_		-
_		
_		-
Mid.	State States Assured	(40.0
MA.	circles had of Commen	Carry
ORIGINAL	Proposition of Sources	UPLE
dia	Petro fact of Johnson	1414
unte:	Charles of Course	Long to
min.	Profess Seek of Democrat	1000
Min.	Seign ben # Semmen	L/R/K
Dist	Partie first of Enteress	Limit
MIA	Preferry Bart of Descript	1,790,00
MIN.	Control Spring Control to	Lan.
mis.	Cherry have all Description	210.0
min.	Herty Stantage Portland	1,00.00
M14.	Marty Marrier Services	1500
and.	Martin Streets Success	1904
M16.	Which y Meanings Switzers	180.9
MIN.	Please Statute Sections.	4,000.00
MILE.	Planty Street or Eastered	1,807
off to	Porty Street Lamper	1,018
MENA	Indica field of Streets	198
Mile.	Indica fire of Spiness	1,40,40
W	College Real of Columns	1,000.00
MIA.	Tenton Stand of Comments	Check In
pera	Pattern Dark of Chattern's	100.00
MIA	Color for a Dance	Uded
Mia.	Contraction of Common	LENE
7UP	Soily House Selling	200.0
and .	-	CARGO:
M00	Personal	1.70.0

-	Property Control of the Control of t	1,000
-	In 1 Appetre by	1,140
Min.	OLF SAMMERY	1,000
MH	(C) Named and	1,000
200	Partie for ellipses	Chin
Mark .	Committee of Committee	LIME .
MIC-	There has a comment.	1,600
-	internal and of Seconds	1,811
=	Common Sect of Contactors	1964
-	Profession of Streets	2461
-	Page of the or Comment	1990
	The Product Liv	90/100
-	The Property Co.	4.76
	Contine Serie of Continues	1000
~	THE SHOW	UNC
-	Tright States	1000
	Chingle Sharmer	1,000
met na		100 700.0

-

	COLUMN TWO IS NOT THE OWNER.		Track Street		Colonia de 1844		Special Contract of Contract o	
-	-00	SPECIAL PROPERTY.	-	1	-	destro	-	-
_	Plants.	1000					- 24	
-		-				_	- Amon	STR. SAMPLE
		- Contract				-	N. Proper	THE WARRY
4		-				-	FLANA	ON ASSESSED.
		-					0.00	Date - Angraph Av.
mr.	The same of the sa	-		-	-		Name of	SEC. Brighten by
-	Sense .	-				-	20,000,00	on the finds
-	No.	Name .					5,000	
-	-	-			_		YUMAN	
-11		aless .		_	_			Contractor, Names
_	-	Town I			-	-	500	Comment State - The Atlanta
2-	-	-			-		P.Marie	
-		-	_	-	-	-	11,000,00	Dec State Ann
M	-			_	-	-		Large home
-	-	- 100	_	-	+	_	0.00	
-	-	-	_	-	-	_	1 1000	mant Atlen
-	The second	-			-	_		THE AMERICAN
-2	- 12	-	_	-	-	_	5,00.0	-
m-	-			_		-	NAME OF	
<u> </u>				-	-	-	\$10.70 P	Company Property
<u> </u>				-	-	$\rightarrow$	5,500	
	200	-		$\overline{}$	-	_	5.40	
ec			-	-	-	-		
E	-				-	-		TOTAL CONTRACT
50-	_			-	-	-		The same of the sa
-		-	_		-	-		
	-	- Park		-	-		1158-6	
•	74	-	_	-	-	_	3.86	
M	- Ne				-	-	FREEZ	
M	744		-	-	_	_		Desirable from the factor
						1700	Tim/Mile	

THE PERSON NAMED IN

PTS (Separation 6	Marine.	Promet's.	_
	2	-	- Ima
			646
		=	_

# TESTIMONY OF GOVERNOR MARY V. THOMAS ON BEHALF OF THE GILA RIVER INDIAN COMMUNITY BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS

## October 20, 1999

Good Morning, Mr. Chairman and members of the Committee. I would like to thank you for the apportunity to provide testimony on a very important issue - that of Indian Roads and the implementation of TEA-21, the highway bill authorized by the Congress last year.

My name is Mary Thomas and I am currently completing my second term as the Governor of the Gila River Indian Community. The Gila River Indian Community (the "Community") is comprised of both the Akimel O'Otham and Pec-Posh nations. Our reservation was created by Executive Order in 1859 and covers 372,000 acres, or approximately 590 square miles in south central Arizona. Our Community is composed of approximately 20,000 enrolled members, 13,000 of whom live within the boundaries of the Gila River Indian Reservation (the "Reservation").

Our Community is in a period of dramatic change. Over the last five years our reservation population has grown by nearly 44%, due in part to the increased economic and employment opportunities on the Reservation for our members. Not only is our

Page 2 of 9

reservation population growing, but it is also getting younger. Of those members who reside on the Reservation, over 51% are under the age of 21. As the northern boundary of our Reservation forms the southern boundary of the Phoenix metropolitan area, our Community has experienced tremendous growth that mirrors that of Phoenix. As a result, there has been a great urgency to keep pace with the growing infrastructure demands within our Community.

Unfortunately, there remains a significant amount of work to be done in order to meet these growing demands. For example, of the 457 miles of road within the Reservation, only 256 miles are paved. The remaining 200 miles are targely unimproved, dirt roads. Given the rapid population growth and increased traffic activity throughout the Reservation (due to the close proximity of the Phoenix metropolitan area) our Community urges the Congress and the Administration to jointly work on the expeditious implementation of the TEA-21 legislation. We believe that the funding formulas of TEA-21 will help address the growing backlog of reservation roads construction needs.

Mr. Chairman, I would like to focus my remarks on the following areas:

- Problems experienced by our Community in the current allocation of funds by the BIA for Indian Reservation Roads
- Expanded Self-Determination Contracting and Self-Governance Compacting Opportunities for Indian Tribes under TEA-21
- 3. Expeditious Implementation of TEA-21
- 4. Overall funding of the IRR program

Page 3 of 9

Problems experienced by our Community in the current allocation of funds by the BIA for Indian Reservation Roads

Mr. Chairman, you are aware how, for several years, our Community has been deeply concerned with the current funding distribution mechanism utilized by the BIA, specifically the BIA Phoenix Area Office, for identifying and funding tribal road projects. Prior to enactment of TEA-21, the law under the Intermodal Surface Transportation Efficiency Act (the "ISTEA") mandated that the BIA allocate funding based on a Relative Need Formula (the "RNF"). The purpose of utilizing the RNF formula was to protect smaller tribes while at the same time providing certainty to other tribes that they would receive a certain level of funding each year. Unfortunately, it has been the Community's experience that, contrary to clear Congressional intent, the BIA Phoenix Area Office has applied its own "arbitrary" flat percentage formula. As a result, our Community's road projects have been underfunded by approximately \$2.5 million for the period of 1992-1997.

In uncovering this "funding shortfail", our Community requested an audit by the Federal Highway Administration ( the "FHA") of the BIA Phoenix Area Office to determine the reasons for annual funding discrepancies in the Phoenix Area. The FHA audit revealed that the Phoenix Area Office never fully implemented the RNF funding formula as dictated by ISTEA. Rather, they have been utilizing a "Fair Share" formula to track the annual aggregate amount of funding for each Indian tribe in the Phoenix Area. The FHA Audit report found that the Phoenix Area Office had not changed its allocation methodology since 1983. Each Indian tribe in the Phoenix Area received that same flat percentage of roads funding for the last sixteen years! It has been only in the last year that the Phoenix Area Office updated its base statistics for each Indian tribe (ic., population growth since 1983, reservation roads constructed since 1983, increased land base, etc.).

Page 4 of 9

Mr. Chairman, we cannot wait another sixteen years before the allocation formula of TEA-21 is implemented in the Phoenix Area.

Moreover, although the Phoenix Area Office purported to allocate roads funding pursuant to its "Fair Share" formula, in practice the Area Roads Engineer has exercised absolute discretion in which tribal projects get built and which projects do not. In establishing his priorities, the roads engineer is able to reallocate reservation roads monies among the Phoenix Area Indian tribes regardless of the "Fair Share" formula and thereby "rob Peter to pay Paul." This practice not only resulted in our Community being underfunded by approximately \$2.5 million, but more importantly, it seriously undermines the ability of tribal governments to plan for future reservation roads needs.

Given the long hours of Congressional debate and deliberation that went into crafting the formulas to allocate funds among the 50 states and Indian tribes under ISTEA and TEA-21, it is inconceivable that the Phoenix Area Office can continue to ignore these formulas and leave funding allocations to the unbridled discretion of its roads engineer. Yet when our Community raised its concerns with the Phoenix Area Office, the response we received from the Area Office stated that "there can be no rigid allocation of construction monies" due to the cost of roads projects, and when asked to justify their actions, they responded that funding is, "spread out over the years and averaged,...all tribes are treated fairly."

The FHA Audit Report also identifies other problem areas:

Page 5 of 9

- The Area Office does not provide adequate enforcement of quality assurance and quality control on road construction projects due to lack of qualified BIA staff at the construction site.
- The transportation planning function is being carried out in a fragmented and inefficient manner by the BIA Phoenix Area Office due to a lack of organization, staffing and disjointed allocation of planning responsibilities.
- Phoenix Area Office personnel do not provide Technical Assistance to the Phoenix Area tribal governments.
- Phoenix Area Office fails to communicate with Phoenix Area tribal governments which
  creates serious misunderstandings about the IRR program.
- The current Area office Certification Acceptance Plan is outdated and is not functioning according to the requirements of TEA-21.

The FHA Audit Report highlighted several problem areas within the Phoenix Area Office Roads Program that in our experience have resulted in the continued deterioration of reservation roads throughout the Phoenix Area. For example, the Phoenix Area Roads Engineer does not regularly communicate with the Phoenix Area tribal governments. In fact, the Area Roads Engineer notified the Phoenix Area tribal governments only once a year regarding the amount of roads funds appropriated that year. The Phoenix Area Office has done little to assist tribal governments in planning for future reservation roads needs and to complete an area wide roads inventory. In 1992, our Community provided the Phoenix Area Office with a resolution that described the Community's road construction priorities for the next five (5) years. The BIA Phoenix Area Office has yet to complete these projects.

Page 6 of 9

Finally, despite the overwhelming backlog of road construction needs in the Phoenix Area, last year the Phoenix Area Office advised the Community that it was returning to BIA Headquarters the unallocated amount of \$12 million. Money that could have been efficiently spent for construction projects! We are expecting similar news this year.

Expanded Self-Determination Contracting and Self-Governance Compacting Opportunities for Indian Tribes under TEA-21

Mr. Chairman, the days of the Indian Agent are long over. The universally accepted Federal policies of Indian Self-Determination and Self-Governance require each Indian tribal government to be able to wrest control from these mid-level bureaucrats and directly administer these programs for the benefit of their members.

Our Community has four (4) Title I contracts and one (1) Title IV compact under the Indian Self-Determination and Education Assistance Act (the "ISDEA"). Three of the Title I contracts are with the Indian Health Service for Hospital, Public Health, and Sub Part J (Code of Federal Regulations) construction services. One Title I contract is with the Bureau of Indian Affairs for Law Enforcement Services. The Title IV compact is with the Bureau of Reclamation for the Central Arizona Project, Indian Distribution Division services. The Community is a "mature contractor" having continuously operated 638 contracts for three or more years with no significant and exceptions. As a mature contractor, the Community would qualify as an applicant for a compact under Title IV.

Given our experience with Phoenix Area Office Roads Program, we are extremely interested in compacting the programs, functions, services, and activities associated with Indian Reservation Roads. In our view, compacting reduces agency interference and

Page 7 of 9

administrative costs imposed by the agency. It is critical that the Indian Reservation Roads

Program maintain a formula funding allocation based on clear and objective criteria and
that incorporates the most current data about each respective reservation.

To suggest that reservation roads funding be provided as nothing more than a simple estimate so that the Area Roads Engineer can recall or reallocate these monies to other tribes upon his discretion is folly. Just like each of the 50 States, funding for Indian tribal governments should be based on clear and objective criteria and should be available directly to the tribal governments under 638 contracts or compacts. Any formula allocation should necessarily be assumed to be the allocation for a tribal government, dollar-for-dollar. By providing a firm allocation of funds (ie., not subject to alteration by the Area Office), each tribal government would be able to plan future road construction and more importantly, to rely on a predictable allocation methodology to schedule multi-year roads construction projects.

Given our history of dealing with the Phoenix Area Office, the Community would prefer to compact, or even contract, directly with the Federal Highway Administration (FHA) for Indian Reservation Roads funds. Not only does this comport with the spirit of Indian Self-Determination but it is consistent with the idea that the Federal government's trust responsibility flows to all departments and agencies in the government not just the BIA. Further, by contracting directly with FHA Indian tribal governments would reap the benefits of eliminating suffocating layers of BIA bureaucracy and "red tape." Not only do Indian tribes feel the administrative "bite" at BIA Headquarters but the Area and Agency offices also take their share of administrative costs out of tribal roads monies. By contracting with FHA directly, Indian tribal governments would maximize the amount of Indian roads funding that actually reaches the reservation.

Page 8 of 9

# Expeditious Implementation of TEA-21

Finally, it is our understanding that the Negotiated Rulemaking Committee established under TEA-21 will take yet another two years to promulgate a final rule implementing TEA-21. The original statute required the negotiated rulemaking to be completed by April 1999. The Committee did not meet until March of 1999.

Mr. Chairman, our Community cannot wait through another two years of BIA footdragging to be able to take direct control of our roads programs and begin to address our growing backlog of need. For that reason, our Community is pursuing efforts to be included in the Indian Roads Demonstration Program that would allow the Community to receive its roads funding allocation directly. Unfortunately, the BIA is currently limiting participation in this Demonstration Program to Indian tribes with existing self-governance compacts.

Therefore, I would like to make the following recommendations to this Committee:

- Mandate that the BIA eliminate the authority of the Area Roads Engineer to reallocate funds among Area tribal governments without the notice and consent of the affected tribal government.
- Require the BIA Area Offices to provide an accurate accounting of prior years'

  Indian Reservation Roads funding distributions.
- Direct the BIA to regularly (annually) update any statistics used in the Indian Reservation Roads funding formula.
- Mandate that the BIA ensure that each Area Office expeditiously implements (during that same funding year) the RNF formula or the funding formula developed under TEA-21.

Page 9 of 9

Direct the BIA to conduct a national Indian Reservation Roads Inventory.

# Overall Funding of the IRR Program

Finally Mr. Chairman, I was delighted to read that the President signed into law the transportation appropriation bill for FY 2000. As you know under TEA-21, the IRR program is authorized at \$275 million through FY 2003. I would like to express my appreciation to yourself and the other members of this Committee who supported full funding for the IRR program. In addressing the overwhelming need for better roads, Senator Domenici summarized it best when he outlined that state of Indian Roads in New Mexico. He indicated that of the nearly 22,000 miles of BIA roads that serve tribal lands, only 11% of those are paved roads and nearly 90% are unimproved roads. In my view, there could not be a better reason to continue to advocate full funding for TEA-21 in the coming years.

In conclusion, Mr. Chairman, I would like to thank you for conducting this timely bearing on this very important issue. Our Community has high hopes that under the watchful eye of this Committee, tribal governments will be able to rollback the many years of neglect and fully realize Indian country's vision for the future by ensuring that safe and well-maintained roads do not end at the reservation boundary.

# TESTIMONY OF LORETTA BULLARD, PRESIDENT OF KAWERAK, INC. BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS

# OVERSIGHT HEARING ON INDIAN RESERVATION ROADS

# OCTOBER 20, 1999

Thank you, Chairman Campbell, and committee members, for the opportunity to testify today. My name is Loretta Bullard, and I am President of Kawerak, Inc., which is a consortium of 20 federally recognized tribal governments in northwestern Alaska. I am one of Alaska's tribal representatives on the national negotiated rule-making committee on Indian Reservation Roads, and I have attended most of the meetings since they began in March.

I would like to preface my remarks by stating the obvious: the IRR program is badly under-funded, nationally. That is the one funding issue that all tribal representatives to the negotiated rule-making agree upon. My understanding is that the total construction need which the BIA uses to calculate IRR allocations is in the \$6 to \$7 billion dollar range. That means it would take 25 years at current funding levels to even meet today's need.

When TEA-21 increased IRR appropriations, we in Alaska certainly expected an increase of funding. Although Alaska's IRR funding did go up from 1997 to 1998, this was primarily due to BIA's Central Office accepting new construction cost figures for Alaska. Our funding actually went down, substantially, in 1999. IRR funding in TEA-21 did not keep up, on a percentage basis, with the increase enjoyed by the states. Because \$13 million in reservation bridges money was taken out of IRR construction funding and the obligation limitation was applied to IRR funding for the first time, TEA-21 took away much of its own increase to the IRR program. The obligation limitation reduced IRR construction funds by about \$31 million in 1999. Kawerak strongly supports requests made by NCAI, and others, that Congress fund the IRR program at 100%.

# The Existing "Relative Need" Formula

My main point today, however, is that the method used by the BIA to distribute IRR funds among the BIA Areas is groasly unfair, and in need of change. The "relative need" formula is illogical, it does not fairly or accurately measure tribal needs, and it is contrary to the authorizing legislation for the program. It effectively excludes the majority of eligible Indian reservations and Alaska Native communities from meaningful participation. The formula reflects a policy decision made by the Bursau in the early 1990's that the highest and best use of IRR funds is to rebuild and rehabilitate existing BIA-owned roads. It intentionally tracks 80% of funding, every year, to those tribes and BIA regions that had BIA roads constructed in the past.

There are three numeric factors in the formula: 50% of the funding is allocated based on "cost to improve," which is a measure of construction costs; 30% is allocated by "vehicle miles traveled," which is a measure of vehicle use of a given road segment; and 20% is allocated by population.

Superficially, that may seem to make sense. However, both the cost to improve and vehicle-miles factors are based on a road inventory which is limited to existing roads the BIA itself owns, or controls the right-of-way for. (There are exceptions for Alaska and for Oklahoma, which I'll get to in a moment.) But in general, tribes with no BIA roads at all are excluded from 80% of the funding, regardless of their need for new roads or to upgrade tribally-owned roads. In contrast, the law, at Section 101 of Title 23, includes all public roads which serve or provide access to reservations or Alaska Native communities in the definition of Indian Reservation Roads.

To illustrate the problem, imagine two tribes or Native communities of the same size, both of which need access to identical new housing sites 5 miles away from their population centers. Tribe A already has a BIA-owned gravel road that runs past its new housing site. Tribe B has no access road to its site at all. Logically, I suggest that Tribe B has the greatest need for road construction funds, since they have no road at all. However, the BIA's relative need formula assigns Tribe A funds for its road every year, because the road is in the BIA system. Tribe B, which has no road at all, receives zero from the 80% of the formula driven by inventory. Both tribes will share in the 20% of the formula based on population, but that is all Tribe B receives.

The Bureau has turned the IRR construction program into a deferred maintenance and rebuilding program for its own roads, even though the definition of "Indian Reservation Roads" is much broader. IRR money is not supposed to be maintenance money at all; BIA roads maintenance funding is appropriated separately to the Department of the Interior. The formula simply does not recognize that the BIA's needs and the needs of tribes are not the same thing. Many reservation tribes have tribally owned roads that are not in the system.

Alaska is treated somewhat differently in the formula than other areas. Congress used appropriations acts in 1993 and 1994 to require that projects in the BIA's Juneau Area Transportation Plan be counsed in the national BIA road inventory for funding purposes. This was later extended by administrative policy. This had the effect of counting about 1000 miles of proposed roads in Alaska in the national inventory. Without this exception, even at TEA-21 funding levels Alaska would only receive \$2 or \$3 million at most. An exception was also made for Oklahoma tribes, to include former reservation roads in the inventory.

Although we greatly appreciate the Alaska exception, it is not a good substitute for having a fair formula to begin with. Juneau has never had the funds to do necessary transportation planning in 227 communities. The Area Plan merely skims the surface, and reflects only the very top priorities of the villages at the time the plan was done. As the members of this Committee know, Alaska's rural villages are starting from almost a zero infrastructure base for ground transportation. Virtually any development we do requires some road construction. We do not have county governments, our local

municipal governments where they exist have virtually no tax base, and the state DOT disavows any responsibility for road construction within our villages.

One of the unfortunate side effects of the BIA's system is that true tribal road construction needs are never recorded or requested of Congress, and neither are the true roads maintenance needs for BIA-owned roads. The relative need formula enables the BIA to sidestep its obligation to request adequate maintenance funds for its own roads.

There are other problems with the relative need formula, and its underlying data:

- \* Cost-to-improve figures are derived from the BIA's own construction costs, as reported by the Area Offices, which means there is no incentive to be cost efficient. The more the BIA or a tribal contractor spends on a road project, the more funding it will receive in the future.
- \* The BIA road inventory system and allocation system is excessively complex. According to information provided at the Neg-reg, each segment of IRR road is supposed to have a data abeet with 55 fields of information filled out by the tribe or the Bureau. This should be redone every year for the inventory to stay current. In theory, once a road is built up to FHWA standards it is supposed to drop from the inventory for funding purposes, but that rarely happens. The inventory was never completed in all areas, and there is enormous variation among the areas in how this information is collected and managed.

Although I cannot speak for other regions, the Bureau in Alaska simply does not have the resources to maintain this complex of a system for 227 tribes.

- \* The data system is outmoded and, in my view, unreliable and completely unverifiable by anyone outside the Bureau. When the BIA reported on the system to the Neg-reg this summer, the data was being maintained on antiquated computer equipment that used a Cobol operating system. It was not YZK compliant. We were told that to verify the data, we would have to physically go to Albuquerque to watch them run the numbers. In this day and age, all of this data should be available electronically and computations should be replicable on any laptop. All they have provided committee members is hard copies.
- \* The range of projects which are eligible for spending at the local level is much broader than the road inventory which drives funding to the local level. This means tribes or local BIA offices can spend money on projects which are not in the BIA road inventory, and thus prevent their need from going down. In fact, if they build a new road, their funding will go up because that road will eventually be added to the inventory for improvements. I have been told that some reservations have many miles of unimproved dirt or gravel roads that stay in the inventory for funding purposes forever, because the local priority is to never upgrade those particular roads.
- One of the ironies in Alaska is that because of the lack of maintenance funds, the Bureau normally requires the state or a municipality to take the right-of-way and

maintenance responsibility of a new BIA road. This means our new roads don't get into the system.

\* Another particular Alaska problem has to do with the use of FHWA cost indices. The Bureau applies FHWA cost indices as a corrective factor on cost-to-improve, to correct for inflation or deflation. The index is derived from data provided by the states, and assigns a percentage value for various constructions costs in geographic sub-regions. 1987 costs are the base. In 1997, for some reason there was no new FHWA data in Alaska for certain of the key construction cost components, such a gravel and paving. This 1997 FHWA index was used by the Bureau to "correct" the 1999 relative need distribution. Rather than simply revert to the prior year's data, the Bureau applied an arbitrary "default factor" to Alaska's construction costs, which as I understand it was 93% of 1987 costs.

Alaska's relative need share dropped about 33% or \$7 million from 1998 to 1999.

\* The funding formula does not fund all the functions that have to be performed. As a practical matter, any tribe which wishes to fully participate in the IRR program has to do transportation planning, develop its inventory, and in general acquire a fairly sophisticated understanding of the program. Tribes with transportation departments are able to access the system much better than those without. These functions are just not funded for small tribes. Although 2% planning funding is available, a BIA Area's 2% funding depends on how much construction money it is receiving.

In Alaska, the per tribe share of 2% money is about \$1,300 - not enough to do much of anything. Some Alaskan tribes spent their entire 1999 2% planning amount sending one person to observe the August Neg-reg meeting in Anchorage. This lack of funding for basic administrative capacity, by itself, effectively locks small tribes out of the program.

I will note in passing that Section 204 of Title 23 imposes some mandatory functions on all Federal Lands Highways programs, such as developing safety and other management systems, which are not funded by the BIA's relative need formula.

\* The BIA formula focuses on roads to the exclusion of other uses of IRR funds. At least since TEA-21 was enacted, the IRR program is not just for roads. Transit systems are specifically authorized in Section 204(b). The section in the law which required a new formula to be negotiated for FY 2000 says that the formula is to reflect the "relative needs of the Indian tribes ... for transportation assistance." It is not just a program for upgrading BIA-owned roads.

As a practical matter, in Alaska many of our ground transportation needs are for relatively small scale projects such as boardwalks, winter trail staking, improved trails or single lane roads. Although we can build some of these kinds of projects, they do not drive funding in the inventory.

Because of the BIA's funding formula, the majority of tribes in the United States are effectively outside the program. Some of the tribal support s aff at the Neg-reg did their own research and estimated that about 350 of the 556 recognized tribes nationally

did not receive any IRR construction projects at all during the entire ISTEA authorization period. Some of these tribes may have received planning projects from construction funds, but no construction projects.

This is not a precise count, as it was based on interviews of BIA staff, but I don't believe it is far wrong. In Alaska alone, about 200 tribes were not served during ISTEA - I doubt that more than 25 or 30 projects were built, and we have 227 tribes. In Kawerak's region, to the best of our knowledge only 6 of our 20 tribes have ever had an IRR construction project. That is actually a high percentage compared to some other Alaska regions.

The 1999 relative need distribution data provided by the Bureau shows that 155 tribes nationally are allocated "zero" from the cost-to-improve part of the formula, which means that they have no roads in the inventory. These tribes are only attributed funding based on population. Alaska has 55 of these zero inventory tribes. I can assure you that these tribes, or most of them, have very real transportation needs. Sixteen additional Alaskan tribes – including one in Kawerak's region – are missing from the data altogether. I guess they don't even rate a zero. Another 70 Alaska tribes are credited with cost-to-improve funds, but not with vehicle miles traveled. Alaska is the only Area in which this occurs.

Another 48 "zero-inventory" tribes are in California, and 18 are in the Portland Area – almost half of Portland's tribes. Eleven are in the Eastern Area, and others are scattered around the country.

Alaska received \$16.6 million in IRR funds in 1999. It has 227 tribes spread out over a land area 1/5th the size of the Lower 48, a relevant service population of 60,000, and extremely high construction costs. The Billings Area, with 7 tribes, 42,000 people, and -1 suspect - much lower construction costs, received just under \$17 million. The lowest relative need share for any Billings Area tribe is \$1.385 million, and only 2 of the 7 Billings tribes receive less than \$2 million. None of Alaska's tribes is attributed even \$11 million, and only one tribe is close to that amount. Four/fifths of Alaska's tribes are attributed less than \$100,000, and there are many whose relative need share is only a few thousands or even hundreds of dollars.

Navajo, by itself, received \$59 million, and several million more in bridge money.

I am not at all suggesting that Navajo or Billings do not have great needs, or that they or any other tribes are over-funded in any absolute sense. The entire IRR program is under-funded. But the distribution is clearly skewed against those tribes which do not already have BIA road infrastructure.

To illustrate the point, one of the minor debates in the formula workgroup at the Neg-reg was whether IRR funds could or should be used for the streets in HUD-funded housing projects. HUD normally funds street construction, but it does not ordinarily fund the access roads to the housing project. Apparently some tribes use IRR funds not only to build the access roads, but to build or reconstruct the streets. In Alaska, IRR funds are not available even for the access roads. These projects are IRR eligible, but there is no funding. New access roads are often needed for our village housing projects, and are built by the local housing authority out of funds that would otherwise be used to build

houses. Something is fundamentally wrong with a funding allocation that enables some tribes to fund both kinds of projects with IRR funds, but for other tribes funds neither.

# The Negotiated Rule-Making Process

I had thought that the negotiated rule-making would be an opportunity for tribes nationally to develop a new formula, taking into account the needs of the various regions and tribes, and following the criteria set forth in TEA-21. The relative need formula was adopted even before ISTEA, and common sense might suggest that after two transportation acts it would need to be revised. The shift of emphasis toward "transportation assistance" in TEA-21, and the specific criteria listed in the statute such as "relative administrative capacities," geographic isolation, and so forth indicated to the Alaska delegates quite clearly that Congress intended a new formula to be developed.

That is not the Bureau's understanding. To be blunt, the formula part of the negotiated rule-making has broken down. This is largely because of Bureau obstruction to any suggestion of change.

It took the Bureau nine months from the enactment of TEA-21 to even convene the first Neg-reg meeting. Protocols to govern the process were approved by the full committee, including the federal representatives, after the second meeting, but it took three more months for the Interior Department to approve the document. Even then, the authority of the federal negotiators was watered down – the clear message was that any final work product of the committee would still be subject to multiple layers of review by the agency. There is only one Area Director on the committee, Robert Baraker, and he and Mr. Gishi, the Chief of BIADOT, are the highest ranking BIA officials present. There are at least three Area Road Engineers. Conspicuously absent is the Office of Self-Governance, despite numerous requests by tribes that someone from OSG be appointed to the Committee. OSG staff attend the meetings, but they are not on the committee.

Very early the tone was set that there is little interest in the Neg-reg at the highest policy levels of the Bureau, and even less interest in changing the way the Bureau does business. Assistant Secretary Gover has not attended a single meeting.

Although the negotiations regarding program regulations seem to be going pretty well, the funding formula discussion is going nowhere. Some of the problems, as I see them, are as follows:

\* Not once since the beginning of the Neg-reg have any of the senior BIA officials defined the process as requiring a new formula to be negotiated. The most that the senior BIA officials have said is that the need for a new formula is for the committee to decide. This lack of coherent BIA policy direction leaves the individual BIA representatives on the committee free to oppose any change.

No alternatives to the present funding formula have been developed or presented by any Bureau officials, but Bureau delegates on the funding workgroup have vigorously opposed changes suggested by tribal representatives. Bureau staff severely criticized one of the FHWA representatives for merely presenting alternatives to the formula. In my view this is exactly what FHWA and Bureau representatives should be doing if they are going to participate in the formula discussions.

\* The Bureau did not come to the first Neg-reg meetings with any national funding information or the underlying data which drives the formula. Although the Program Management Office did eventually make this material available, tribal representatives had to ask individually for their own copies. Some Bureau representatives in the funding workgroup argued seriously that the workgroup should not even look at

funding information or inventory data.

\* Some Bureau Area Engineers in the funding group continually blame the other regions for problems with funding, and assert that all problems can be fixed at the regional level. This is patently untrue — although there are certainly problems within the Areas, any Area only receives the aggregate "relative need" share of its tribes.

 Some of the tribal representatives are of the belief that if no consensus is reached, the existing formula will continue in effect by default. Bureau representatives

have actively encouraged this idea.

That gives some idea of the tone. At one point, at the Anchorage meeting, one of our technical people read to the formula group Senator McCain's floor statement, when he introduced the amendment to TEA-21 that required the Negotiated rule-making. There is little other legislative history to go by. The floor statement said quite plainly that the criteria was borrowed from language used in the NAHASDA legislation, and was to be used by the neg-reg committee to develop a new funding allocation formula. Senator McCain went on to say the amendment "was to ensure that the new funding formula fairly takes into account Indian communities who have not had their roads needs met under previous formulas." This was ignored.

Negotiated rule-making is a consensus-based process, and it is unclear to me how we are to make any progress when some of the representatives won't accept anything other than the status quo. The Bureau itself does not even define the task as negotiating a

new formula

Of course, some of the tribal representatives are also opposed to any change in the formula. No one wants to lose money. Recently, when Congress made \$18.3 million in totally new money available in the FY 2000 appropriation, the small tribes representatives were unable to persuade the funding formula group or the full committee to even recommend, in concept, that the Bureau redirect some of the new money to benefit tribes which have not participated in the program. This was debated for a full week, with several alternative proposals presented, but no consensus was reached. Again, some of the most vigorous opponents to any redirection of funds were Bureau employees.

I don't believe that the few tribal representatives who oppose changing the formula are completely entrenched in their positions. I can't imagine that any new formula would not treat tribes with large populations and land bases well. The real

obstacle is the Bureau itself. By and large the Bureau controls the information flow. A tribal representative who is told 1) that no negotiation is necessary, because if an impasse is reached nothing will change, 2) that there is no need to look at funding data or consider the interests of tribes nationally, and 3) that all of the problems are the fault of "other" regions, has very little reason to negotiate.

# Recommendations

## I have three recommendations

First, Congress should give the Bureau clear direction that the negotiated rulemaking is expected to produce a new funding formula, taking into account the interests of all tribes, and the criteria set forth in TEA-21. Further, if no consensus is reached and the Bureau continues to use the existing "relative need" formula, Congress should be prepared to legislate an allocation method in FY 2001.

Second, there should be a Congressional audit of the BIA's Transportation Program. An independent analysis of the way the Bureau allocates and spends IRR money would, in the long run, help the Bureau, the tribes, and Congress make it a more efficient program, more finely tuned to the needs of Indian people. In my view, the Bureau has misdirected funds that are appropriated to meet the transportation needs of tribes, to meet the needs of the Bureau. Those are not identical interests.

It is not uncommon for particular Areas to fail to obligate all of the limited funding available to them, and for projects to take years and years to be completed. The BIA Transportation Department is the last of the old-time BIA fieldoms. For other BIA programs, PL 93-638 contracting and in particular self-governance compacting have brought greater accountability, and much more access to information. Tribal contracting of roads projects is still relatively new, and the Bureau simply refused to allow compacting until this year.

One of the more frustrating aspects of dealing with the BIA roads program is that getting clear information can be almost impossible – even our Area Office has difficulty getting information from Central Office. I have pages of correspondence from Juneau to BIADOT requesting, unsuccessfully, a clear explanation of how roads maintenance money is allocated. An audit would bring the light of day to this program.

Third, I believe Congress should seriously consider transferring the entire IRR program to the Federal Highways Administration. This would have to be done carefully to preserve tribal contracting authority. But transportation is the core competency of the FHWA, it is not the Bureau's: I don't make this recommendation lightly. Kawerak gets along very well with the Juneau Area, and I suspect it would be easier for us to negotiate contracts with the Bureau than it would be with a new agency. But nationally, the BIA roads system is a dinosaur which shows no willingness to change.

Thank you, again, for allowing me this opportunity to share my thoughts today. Congress did the right thing when it required negotiated rule-making. I hope that you will continue to exert pressure on the Bureau, or take more direct action, to ensure that IRR funds are fairly distributed and efficiently used.



PFABBBBB

PO BOX 948 . NOWE ALASKA 99760

TELEPHONE (907) 443-5231 • TAX (907) 443-5700

HANGE OF

SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SECTION OF SEC

DOMEN DAME: DOMON END SEND

HOUR HOUR LANDS

SHACKOUM SHIPMART CALMEN SHIBMAN SHIBMAN SHIPMAN

MANY SCANDAR

November 2, 1999

The Honorable Daniel K. Insurye United States Senate Committee on Indian Affairs Washington, D.C. 20519-6450

Subject Testimony on Indian Reservation Roads

Dear Senator Incoye

I appreciated the opportunity to testify before the Senate Committee on Indian Affairs on October 20°, 1999. Here are my responses to the follow-up questions contained in your letter of October 22, 1999.

QUESTION: What specific actions would you suggest that this cammittee might take to improve the prospects for a successful rule-making process?

In order for there to be any change to the existing IRR funding formula, the BIA must define the task as negotiating a new formula, and make that task clear to its own staff and the tribal representatives I recommend that this Committee communicate to the Bureau that it is Congress's expectation that a new formula will be negotiated, and that the new formula must take into account the factors outlined to TEA-21 and the needs of previously under-served tribes.

Congress should be prepared to freeze FY 2001 funding, or legislate an alternative distribution, if a new formula is not negotiated by October 1, 2000. So long as some Bureau personnel and some tribal representatives on the negotiated rule-making committee believe that the status quo will remain in effect if the committee reaches an impresse, if do not believe the negotiated rule-making committee will make progress on a new funding formula.

The current IRR funding formula is alreast the exact opposite of a true need formula and needs to be substantially overhauled. Under the current formula, 80% of the IRR funding is distributed to tribes based on their solsting BIA roads.

inventory. A tribe with a resident Indian population of 1,000 members with an extensive BIA roads system receives, on a continuing basis, a much higher level of funding then another tribe with the same population without BIA roads – but who needs them. Under the current funding formula, those tribes without roads are only able to access the 20% of the IRR funding which is distributed based on population. Those tribes without roads who need them – are denied access to 80% of the funding.

I do not believe significant change will be made to the Indian Reservation Roads funding formula unless Congress directly legislates it. The representation on the committee is such that any attempt to make major changes to the funding formula will be blocked.

QUESTION: Do you see any disadvantage this idea [transferring the IRR program to FHWA] may have for Indian Country?

I recommended that Congress consider this idea, not necessarily that it be done. I do not know, for example, if the Federal Highway Administration has the capacity to do this. If it does have the capacity, our main concern would be that tribal contracting and compacting ability under PL 93-638 be fully preserved, and that the Office of Self-Governance continue to have a role in negotiating compacts.

If these concerns could be met, I am unaware of other disadvantages for Indian Country. Some tribes may feel that the transfer of this or any other program from the BIA diminishes the federal trust responsibility to tribes in some respect, but I do not share that view.

Thank you for the opportunity to respond.

Sincerely,

KAWERAK, INCORPORATED

Bulla, 2

Loretta Bullard President

....

cc Senator Ted Stevens Senator Frank Murkowski Congressman Don Young

## RED LAKE BAND of CHIPPEWA INDIANS



Red Lake, MN 26671

Phone 216-679-3041 \* Fee 216-679-3276

DIVISION.

TRIBAL COUNCIL Organized April 18, 1918 Second Councilons & Brigan

COTTACERS

SUBST WITH STATUTE Charter

ACT EST, Section

ACT EST, Section

REPORT REPORTENTATIVES FARMA COME FARMA COME

ADVISORY COUNCIL

Marten percent Marten percent Marten printer Marten and Marten and Marten Marten and Marten and Marten Marten and Marten and Marten and Marten and Marten Marten and Marten and

## TESTIMONY OF THE HONORABLE BOBBY WHITEFEATHER, CHAIRMAN

### RED LAKE BAND OF CHIPPEWA INDIANS TRIBAL COUNCIL

Before the U.S. Sexate Committee on Indian Affairs.

Hearing on Indian Reservation Roads and Bridges October 20, 1999

Good morning, Mr. Chairman, Mr. Vice Chairman, and Members of this.

Committee. My name is Bobby Whitefeather. I am the Chairman of the Red Lake Band of Chippewa Indians. I appreciate the opportunity to testify on Indian Reservation Roads issues, including the present negotiated colemaking process under TEA-21.

With me is Mr. Jim Garrigan, who is the Ruads Director for my Tribe. Jim retired after 32 years with the BLA roads program and came bome about four years ago to work for his Tribe. He brought back to Red Lake a great deal of inside knowledge of how the BLA roads program does, and does set, work. Jim is recognized as a roads expert by many Indian tribes around the country. Accordingly, he was classen by the Minnespolis Area tribes to be their representative on the TEA-21 Negotiated Relemaking Committee. That Committee then elected Jim to serve at its Tribal Co-Chair.

My testimony will address five areas of great concern to the Red Lake Nation: (1) the need to revise the stantony obligation limitation to provide fair and equatable funding; (2) the BIA's min-directed use of Indian roads funds; (3) the barriers Red Lake has encountered in its efforts to negotiate a roads self-governance funding agreement under TEA-21 with BIA; (4) the pattern of BIA conduct that has frustrated the work of the Negotiated Rulemaking Committee; and (5) the need for co-aplete equity in the national allocation of Federal highway trust funds. But first, permit me the opportunity to describe for you the Red Lake Indian Reservation and our road system.

First Lake Emerginan's Root Lake Sawroll, Red Lake Flating Industry, Find Lake Bings, Rod Lake Bulkers, Chappens Trading Post-Red Lake & Poreman

## Background on the Red Lake Indian Reservation

Compared to other tribes, Red Lake is a medium-sized Tribe with more than 9,500 members, most of whom live on our Reservation. The Red Lake Indian Reservation is located in a rural area within the boundaries of the State of Minnesota. Our Reservation has over 840,000 acres of tribal trust land and water. While over time it has been diminished from its original 15 million acres, our Reservation has never been broken apart or allotted to individuals and lost to non-Indians.

Thanks to the wise insistence of Red Lake leaders several generations before me, our Reservation is not governed by Public Law 83-280. This means the Red Lake tribal government and the United States government have full civil and criminal enforcement responsibilities for the Red Lake Reservation, and that the State of Minnesota has neither civil nor criminal enforcement responsibility or authority over our Reservation. As a consequence, our tribal government is responsible, in conjunction with the United States, to provide a full range of governmental services to Reservation residents. We administer transportation, police, judicial, penal and fire protection services, natural resource protection and management, social services, health and other emergency services, economic development and planning, and many other governmental activities. At the end of this calendar year, the Red Lake Band will be completing our third year of operating BIA-funded programs under tribal self-governance authorities.

A December, 1995 study carried out by the Department of Economics, Bernidji (MN) State University, found that approximately 6,130 of our tribal members live on the Reservation in 1,560 households. A majority of Reservation households (59%) have incomes below the federal poverty line for a family of four. Forty percent of all Reservation households receive income from employment with our tribal government, making tribal government jobs the single most important source of income on our Reservation. Our Tribe employs approximately 2,400 workers in its governmental programs and enterprises, for a total annual payroll of about \$17.5 million. In addition, many of our tribal members survive on a traditional subsistence economy of fishing and small-scale timber cutting.

Due in part to our location far from centers of population and commerce, we have few jobs available in the private sector economy. If our members work off Reservation, they necessarily must travel often more than an hour to get to or from their job. While onemployment rates throughout Minnesota have dropped to historically low levels of approximately 2.5%, the Red Lake Reservation unemployment rate remains at an outrageously high level of 65.0%. The lack of good roads, communications, and other necessary infrastructure chronically thwarts economic development and job opportunities.

## Specific Information on Red Lake Roads and Bridges

Due to welfare reform and other factors, the population of the Red Lake Indian Reservation is growing much faster than can be accommodated by the present infrastructure. Our infrastructure, and especially our road system, are being "taxed" to the limit. The Red Lake road system consists of approximately 350 miles, which includes approximately 70 miles of paved roads, 60 miles of gravel surfaced roads and 120 miles of earth surfaced roads. We also have approximately 50 miles of state-owned roads on the Reservation. These are no county or township roads on the Reservation, however, there are county and township roads that provide access to the Reservation. Of the 70 miles of paved roads, 40% have surfaces that are beyond their design-life of 20 years. With our expanding population, our gravel and earth-surfaced roads will require complete reconstruction to serve our residents. With the level of funding we currently get, we have to "phase" some of our larger projects into multiple years. We are currently in the last phase of a project that is vital to the economic development of the Reservation and that has required five years of funding to complete. We have been somewhat successful in leveraging state dollars for projects on the Reservation. We have recently completed construction of one new bridge and will be starting a bike path project on both sides of a state highway that connects our two largest communities on the Reservation. We are currently working with the state on two more bridge projects.

## (1) Immediate Statutory Relief Needed to Stop the Diversion of Indian Roads Funds Due to TEA-21's "Obligation Limitation"

Two years ago, Red Lake and other tribes worked hard to convince the Congress to increase funding for Indian roads and bridges during the ISTEA reauthorization process that became TEA-21. The dreadful conditions of our roads provided more than ample justification for a doubling of the funding being allocated to Indian roads. In the end, we received far less than what we needed. We are, however, grateful for what our friends, led by Sen. Domenici, were able to do to increase funding from approximately \$191 million a year nationwide to \$275 million.

However, at the same time, in the same TEA-21 law, a new cut was imposed on our funding that we had never before been subjected to. Because TEA-21 for the first time extended the "obligation limitation" to the Indian roads allocation, we lost about \$25 million of the \$225 million we were promised for fiscal year 1998 and about \$32 of the \$275 million we were promised in fiscal year 1999. We stand to lose even more in fiscal year 2000. Additionally, the 1% set aside that amounted to about \$13 million additional funding for Indian bridge rehabilitation and replacement in ISTEA was removed from TEA-21 and Indian bridge funding now must come out of the IRR funding. The loss of this extra \$13 million in highway bridges set aside funding results in a net loss to the IRR program of \$39 million. While we are grateful for the increases in funding under TEA-21, the obligation limitation, the loss of the bridge set aside funding, and other takedowns has resulted in a paltry \$12.4 million increase to the IRR construction program nationwide.

Here is how the obligation limitation works. The Federal Highway Administration, or FHWA, is required by TEA-21 to withhold a certain percentage (annually varying around 11%) of the total IRR obligation authority amount at the beginning of each fiscal year to be redistributed near the end of that fiscal year to recipients with projects that are immediately ready for funding. However, in expanding the obligation authority withholding provision to the Indian roads allocation, TEA-21 failed to expand the redistribution authority to include Indian tribes. As a result, tribes are barred from sharing in the end-of-year redistribution and so money authorized and appropriated for tribal roads is diverted to states for their general purposes. This is not fair and equitable treatment. We feel that if any funds are withheld from the IRR allocation, they should be redistributed back to the IRR program.

The obligation limitation placed on the IRR funds under TEA-21 is totally inconsistent with all previous transportation statutes. In years past, the Indian roads funds were exempt from the obligation limitation, thus making 100% of the authorized contract authority amount available at the beginning of each year. Red Lake and other tribes sought to have all roads funds made available to them at the beginning of the fiscal year in the form of advance funding, so that project planning and development and maximum flexibility could occur at the local level when the weather and other conditions permitted rather than having to wait upon a federal fund distribution system that sometimes could delay projects. The Congress agreed and included in TEA-21 a provision to make "all" roads funds subject to P.L. 93-638 and its advance funding authority. However, at the same time the Congress added an obligation limitation that withheld and then diverted some of these funds away from Indian tribes. Clearly, the Congress went three steps forward and two steps backwards with TEA-21, undercutting its forward progress by applying an obligation limitation.

Both the \$275 million promised for Indian roads and the specific dollar amounts listed for the states are a fiction. The actual Indian road funding level is far less than promised, because the obligation limitation provision elsewhere in TEA-21 cuts it back by more than 10%. The actual state funding levels, however, are larger than stated in TEA-21, because the states receive an additional "August distribution" of funds withheld from Indian and other accounts under the obligation limitation. While Red Lake and other Indian tribes are all-too-familiar with receiving the short end of the stick, given our history of dealings with the United States, we object to the continuation of this kind of treatment. A promise is a promise, and as a matter of national honor, promises should be kept by the United States.

Since the obligation limitation provision now withholds funds from tribes and states but redistributes the withheld funds only to the states, a legislative change is necessary to exempt IRR program funds from the obligation limitation withholding: We ask that this obligation limitation be removed and our funding restored to the 100% level as soon as possible through an appropriate amendment to TEA-21. We have attached proposed language for your consideration.

## (2) The BIA's Use of Roads Funds Is Mis-Directed

As a Tribal Chairman, I am saddened by the questions I feel I must pose to the BIA. We have seen evidence on several occasions of apparent mis-direction by BIA of

Federal highway trust funds for purposes other than Indian roads. We fear we have scraped only the surface of the problem.

On one occasion, Mr. Garrigan was informed that \$200,000 in roads funds were spent to move the entire Minneapolis Area Office (MAO) from downtown Minneapolis to Fort Snelling near St. Paul this year. Of the 30 or so BIA personnel in the MAO, only six work in the roads program. Yet it appears that roads program dollars funded the move of the entire office. If this is the case, why are roads funds supporting other BIA functions?

On another occasion, Mr. Garrigan had the opportunity to observe MAO budgets that indicated BIA has used \$70,000 in roads funds to support a full-time contracting officer position at the MAO. There are now four contracting officers at MAO responsible for all kinds of contracts. It appears that roads funds are being used by the BIA to support activities unrelated to roads construction. If this is the case, why?

Mr. Garrigan has also been informed that the travel costs of some Area Directors in some Area Offices are regularly charged to and borne by the roads program even though the travel does not appear to be roads-related. If this is true, why is it permitted?

While these allegations are troubling, the bigger problem is that neither Red Lake nor other Indian tribes have been able to get detailed information from the BIA on how it spends the "up to 6%" Indian roads program management funds. This is an especially acute problem, because our roads are in terrible condition and focusing all the funding on actual construction is of critical importance.

For years, the BIA has asked for and received authority in the annual Interior appropriations law to spend on "program management" costs "up to 6 percent" of the Indian roads construction funds transferred to BIA from the Federal Highway Administration.

There are several points I want to make about this so-called "6 percent" money, First, the BIA has always ignored the "up to" part of the law and taken a full 6 percent. Second, the BIA has refused to transfer any of these program management funds to Indian tribes who assume program management functions previously carried out by the BIA with the 6% funds. Third, the BIA has withdrawn greater than 6% of the transferred funds for various program management activities, such as the negotiated rolemaking process, biannual bridge inspections, quality assurance traffic studies, integrated IRR systems development, and town hall meetings. It appears that the BIA was the greatest beneficiary of the increase in TEA-21 funding because it now is applying the 6% to a larger appropriation. We request that this Senate Committee insist upon a full accounting by BIA of its expenditures of these "up to 6 percent" funds. Strict oversight is needed to ensure that all funds are spent for critically needed road construction.

The diversion and questionable use by BIA of critically needed road construction funds aggravates the already deteriorated conditions of our Reservation's roads. As

everyone in this room knows, in most cases good roads go right up to, and stop at, the edge of Indian Country everywhere. I refer you to a picture that shows how the road changes as you cross the border into the Red Lake Indian Reservation. This is the case despite the fact that we have one of the most successful tribal roads programs. We have made the most of the funding we have received, and have prepared and approved roads project plans far into the future. What we lack is sufficient funding on an equitable basis compared to that enjoyed by state and county governments.

## (3) BIA Barriers Block Tribal Efforts to Negotiate Roads Self-Governance Agreements

Despite express statutory authority and accompanying indications of congressional intent, the BIA has refused to fully incorporate P.L. 93-638, as amended, into the IRR program in both Self-Determination Contracting and Self-Governance Compacts.

P.L. 93-638 was designed to provide for an orderly transition and reduction of the federal bureaucracy in order to give tribes meaningful authority to administer federal programs. Instead, despite the fact that the enactment of TEA-21 expressly applied P.L. 93-638 authorities to TEA-21 funds, the BIA has been increasing its roads staff. Numerous attempts have been made by tribes to contract and compact the IRR program only to fail because BIA refuses to identify its residuals and will not allow tribes to administer the full program.

TEA-21 expressly subjects all IRR funding to P.L. 93-638, as amended, including the 6% used for program administration without regard to the organizational level at which the Department of Interior has previously carried out such programs, functions, services, and activities. In negotiations over self-governance agreements and in TEA-21 Negotiated Rulemaking Committee sessions, the BIA has claimed that the 6% is not available for transfer to tribes. This has meant that there will be an unnecessary duplication of services and failure to transfer funds that should be sent to tribes. Moreover, the BIA has been arguing that it must retain even more funding from tribes by withholding project money to ensure public health and safety. This is clearly a tribal responsibility under P.L. 93-638, as amended, and another attempt by BIA to disregard the congressional mandate.

Year after year, since 1994, Red Lake has devoted considerable time, money, and effort trying to get an extremely resistant BIA to negotiate Red Lake's roads funding into a Self-Governance agreement. It was not until six months ago that the BIA finally agreed to sit down and begin negotiations, and then only because the Congress heeded our request and expressly amended TEA-21 to provide an additional statutory mandate that required the BIA to negotiate. Even at that, we were only able to do a self-governance "demonstration program" that was restricted to only two tribes, one of which was the Red Lake Band.

Getting our self-governance negotiations to begin, we learned, was just the start of what became a long journey. The BIA came up with reason after reason why our proposal could not be approved. The BIA initially said no to advance funding. No to tribal assumption of functions previously carried out by federal officials. No to tribal review and control authority. No to transfer of any of the "up to 6 percent" management funds. No to tribal or third party inspections. The only change the BIA was initially willing to accept was to change the name of our existing Title I roads contract to a funding agreement. The only way we could get the BIA to finally negotiate was to mutually identify the "residuals" and have their staff cost them out. They were quite surprised to see the results.

Our self-governance approach may have posed a threat to the job security of the BIA Area and Central office staff with whom we had to negotiate. We understand how difficult it is for civil servants to negotiate away their own jobs. But we are the ones who pay the gas taxes that provide the roads funds. And these roads funds are appropriated for the purpose of building critically needed roads, not to preserve the jobs of federal workers.

Let me give one example of the unreasonable negotiation demands made by BIA. P.L. 93-638 requires that engineering work done by a tribe be performed by a licensed engineer. We have two licensed road engineers on our tribal roads staff. This requirement makes our staff senior to, and far more credentialed than, all of the BIA engineers at the Minneapolis Area Office. We proposed that Red Lake assume all design and engineering work, including plans, specifications, and extimate approvals under a stewardship agreement with the Federal Highway Administration. We proposed that our work would meet or exceed industry and state standards and be certified by our licensed engineers without further BIA review or approval. The less credentialed BIA staff refused to allow this. They would not even allow us to obtain a durd-party (non-BIA) review. We suspect that in large part the BIA adopted this position because it did not want to see responsibilities transferred to Indian tribes that would result in reductions in BIA jobs.

Mr. Chairman, and members of the Committee, we thought these policy decisions were made decades ago with the enactment of P.L. 93-638. But the BIA roads program seems to be the last bastion of the old paternalistic bureaucracy. Indian tribes are building huge buildings and administering complex operations without BIA oversight, but BIA roads staff seem to think tribes cannot build a safe road without a BIA shadow looking over our shoulder. The BIA's approach wastes scarce dollars. We want all of our roads funds to be spent on our Reservation building roads. We don't need or want an expensive BIA bureaucracy second-guessing our every move and wasting 6% or more of our precious roads funds.

Mr. Garrigan learned at the negotiations that the BIA was insisting on withholding more than 6% of our project funds. He reported to our Tribal Council that this meant the BIA negotiators were demanding tens of thousands of dollars to perform functions we have assumed; that the Tribe would do all the work the BIA previously did

but that the BIA must still keep most of the money the BIA previously used to do that work because the BIA says it must double-check all of the Tribe's work. In no other area of the Federal-Tribal relationship do we encounter such a degree of paternalism.

The Congress in TEA-21 said "all" roads funds shall be subject to mandates of P.L. 93-638. We need your help in directing the BIA to transfer all funds and authority to requesting Indian tribes.

## (4) BIA Conduct Has Frustrated the Work of the Negotiated Rulemaking Committee

I am also concerned by a pattern of conduct by the BIA that has thus far delayed and frustrated any real change from being instituted by the Tribal-Federal negotiated rulemaking committee mandated by TEA-21. Just like the circumstantial evidence in a criminal case, here, too, there is a pattern of prior conduct. There is a motive. And there is a victim — change has been stymied and the hope for change — the Negotiated Rulemaking Committee — has been slowed to a crawl.

According to our Tribal Roads Director who knows from his personal experience, the BIA roads department has ruled with a heavy hand the construction of roads in Indian country. He has helped us see how the federal bureaucracy is threatened if the rules are streamlined, the regulations simplified, and authority and funds are transferred to the local level. The Negotiated Rulemaking Committee holds the promise of such change.

From the beginning, the BIA overlooked the deadlines in TEA-21 and failed to form the Negotiated Rulemaking Committee until several weeks before its statutory deadline to produce proposed regulations. The BIA placed on the Committee federal roads staff who appear to have taken positions that mostly serve to protect the status quo and resist change.

The BIA assigned staff to assist the Committee who have had surprising difficulty accomplishing basic tasks. For example, they have at times not provided more than five days' notice of where the next meeting is going to take place. They have been unable to find meeting space that is large enough for fifty or sixty people to sit and talk without huge posts in the middle of the room. They have been unable to make sufficient and timely photocopies of basic negotiation materials. They have failed to fax basic negotiation information to tribal technical staff.

The Negotiated Rulemaking Committee was paralyzed for its first five months of meetings by petty disputes raised by federal negotiators over the language of the protocols or rules by which the negotiations were to be conducted. The tribes proposed protocol language similar to that which was adopted by HUD's Federal-Tribal Negotiated Rulemaking Committee on the NAHASDA regulations. But the federal team argued with nearly every sentence. When agreement was finally reached, the BIA representatives promised that the Secretary would sign the protocols on behalf of the Department of the Interior. That promise was withdrawn. The Secretary refused to sign. Federal officials not at the negotiating table insisted on further changes being made to the

agreed-upon protocol document. Small matters became vested with strategic importance. The entire negotiation process stalled and weeks were wasted. Red Lake, along with other tribes, was upset by the process and outcome.

Federal members of the Committee, strategically placed on all workgroups, have steadily urged that no change is necessary to the existing rules and regulations. To their credit, the tribal members on the Committee have, for the most part, refused to take this easy way out and instead have insisted on a deregulation and simplification of the present rules. That is requiring great effort, because tribal representatives must negotiate with a federal team that appears to oppose change and to critique every proposal that would alter the status quo. Our present projections are that the Committee will conclude its proposed regulation writing before mid-2000, more than a year behind schedule.

The federal negotiators at the table appear to lack much authority to negotiate. In the chaos that attended adoption of the protocols, their federal superiors sent a clear message to the Committee that important questions will be decided, not in negotiations with the tribal representatives, but instead by federal officials absent from the negotiating table. This message has made the federal negotiators very tentative and conservative, and has chilled the trust and confidence of the tribal negotiators that what is being negotiated has any connection with what will be the final reality. As you can imagine, this negotiation dynamic fosters neither progress nor creative bargaining. Unless the negotiation tone is dramatically improved, I am increasingly pessimistic about the prospects for the kind of tribally driven change Congress intended this negotiated rulemaking process to bring about.

## (5) Equity in Allocating National Highway Funds

In addition to our request for equity regarding the obligation limitation issue, we are also requesting equity in how the Congress and the Administration distribute the overall national highway trust funds. When TEA-21 was being debated on the floor of the House, it was recognized that Indian reservation roads make up 2.63% of all existing roads eligible for TEA-21 funding. However, under TEA-21 Indian tribes receive less than 1% of TEA-21 funding for these roads. If Indian country were to receive its full pro-rats share of the billions included in TEA-21, Indian reservations would have received \$4.7 billion instead of the \$1.6 billion over the six-year period of TEA-21. We often hear that Indians do not pay taxes. But the truth is that every Indian who puts a gallon of gas in his or her car contributes to the highway trust fund. Your assistance in increasing the national allocation to Indian country will be appreciated.

## Conclusion

I wish to conclude my remarks with a few personal comments. I was an active tribal representative on the HUD-Tribal Negotiated Rulemaking Committee that successfully wrote the new regulations and formula under NAHASDA. We did it within the timeframes set out in the statute that were similar to those guiding the TEA-21 negotiated rulemaking process.

I am disturbed by the reports given me by the TEA-21 Committee. While rulemaking negotiations are bound to hit bumps in the road along the way, the HUD process worked because federal and tribal negotiators had the authority to make decisions at the table that their superiors on both sides supported.

I wonder whether effective change can ever come through negotiations with an entrenched BIA bureaucracy. And so I would encourage the Congress to give consideration to a statutory transfer of Indian roads program management authority from the BIA to the Federal Highway Administration under strict requirements that tribal governments, consistent with P.L. 93-638, be treated like state and local units of government for purposes of the administration and expenditure of Federal Highway Trust funds. This idea has been around for quite some time. Given the frustrating lessons learned thus far in the negotiated rulemaking experience, it may be time to put the transfer in motion in order to preserve the government-to-government relationship between Indian tribes and the United States.

Thank you for this opportunity to provide this testimony. Both Mr. Garrigan and I are available to answer any questions you may have.

Proposed Tribal Amendment to TEA-21, P.L. 105-178, as amended by P.L. 105-206

At the appropriate place, insert:

## SEC. I. SHORT TITLE.

This Act may be cited as the "TEA 21 Technical Amendments Act".

## SEC. 2. TECHNICAL AMENDMENT.

"Section 1102(b) of the Transportation Equity Act for the 21st Century is amended —

- (a) in paragraph (7) by striking "and" after the semi-colon;
- (b) in paragraph (8) by striking "." and inserting in its place "; and"; and
- (c) by adding a new paragraph at the end thereof — "(9) under section 1101(a)(8)(A) of this Act."

Purpose and effect of technical amendment.

Indian reservation roads and bridges are some of the worst in the Nation. Many Native American communities are connected to vital centers for health care, jobs, education, goods and services only via unpaved and weather-compromised roads. Individual Indians in remote reservations typically travel long distances by car, and consequently pay a disproportionately higher share of the federal fuel taxes that support the Highway Trust Fund.

In FY 1998, TEA-21 allocated \$225 million for Indian reservation roads. But for the first time, an obligation limitation was imposed on the Indian reservation roads account, resulting in \$24.17 million of this \$225 million being diverted to non-Indian communities. In FY 1999, TEA-21 allocated \$275 million for Indian reservation roads and bridges. \$31.7 million of this \$275 million was diverted to non-Indian communities because of the obligation limitation requirement.

The proposed technical provision would amend TEA-21 to add the Indian reservation roads and bridges program to the list of programs which are statutorily excluded from the obligation limitation for the duration of TEA-21. It would have the effect of providing to Indian reservation roads and bridges the full annual amount of funds (\$275 million) allocated to Native American communities under TEA-21 as Congress originally intended.



## RED LAKE BAND of CHIPPEWA INDIANS



Red Lake, MN 16671

Phone 218-679-3341 . Fax 216-679-3376

DIVUUON

October 22, 1999

TRIBAL COUNCIL Organized April 18, 1918

MINER WINTERPLATINE, Charles, JULY NOT BENNEY

INSTITUCT SEPHENDENTATIVES
PAREA COMP
DELINED LABER
AND MACHINE
FLAND TOALIT MICHIES
LAWRINGE SEPERAL
EMPLOYEE CHARGE
EMPLOYEE CHARGE
AND TOLLOW TO THE COMP
AND COMPANY ON THE COMP
AND COMPANY COMPANY
AND TO THE COMPANY
AND TO THE COMPANY
AND TO THE COMP
AND COMPANY
AND TO THE COMPANY
AND THE COMPANY

Characteristics on a like draw given and help proving the high-transpring limit on expedig tion of the limit flat with purposing

## SUPPLEMENTAL INFORMATION OF JAMES GARRIGAN

## REGARDING TESTIMONY OF THE

HONORABLE BORBY WHITEFEATHER, CHAIRMAN

## RED LAKE BAND OF CHIPPEWA INDIANS TRIBAL COUNCIL

Before the U.S. Sensie Committee on Indian Affairs

Hearing on Indian Reservation Roads and Bridges

October 20, 1999

## Concern No. (2) - The BLA's use of Roads Funds is Mis-Directed

In response to questions from the Chairman of the Committee on Indian Affairs, the Honorable Ben Nighthorne Campbell, regarding the consern about BIA mix-direction of roads funds, the following supplemental information is offered.

- 1. The use of IRR funds to move the Minneapolis Area Office: The issue that \$200,000 in roads foods were spert to move the entire Minneapolis Area Office from downsown Minneapolis to Fort Snelling. MN is not an allegation of the Red Lake Band. It is an allegation of Area Office Staff who phonod no shortly after the face to face negitiations to include the IRR program in Red Lake's AFA, that this move was paid for with \$200,000 in IRR funds. I doubt I will be able to obtain the BIA financial record that would document in writing what funds were used to pay for this move.
- The use of IRR funds to support Contracting Officer Positions: On May 14, 1999, during the self-governance negotiations to include the IRR program in Red

Red Lake Emergone Red Lake Sownil, Red Lake Februg Industry, Red Lake Bingo, Red Lake Suiders, Ongoine Trading Post Red Lake & Poneman Lake's AFA, I met with the then Area Road Engineer, Mr. Anthony Kirby, regarding the costing out of the residuals of the Minneapolis Area Office. During this meeting, Mr. Kirby showed me his budget for the 6% funds assigned to the Minneapolis Area Office. Included in this budget was an item to fund one FTE. Contracting Officer Position in the amount of \$70,000.00. It is my understanding that this is common practice throughout the Bureau. I have also been informed that the amount of IRR funds used to support Area Office Contracting Officers is approximately \$1.8 Million. This seems like a total waste of IRR funding due to the fact that P.L. 93-638 does not require that contracting functions be carried out by warranted Contracting Officers. These functions can be carried by an Awarding Official who can be the Area Road Engineer.

3. The use of IRR funds to pay for Area Directors Travel expenses: This again is an allegation made by Area Office Staff. Back in 1995 I was informed that this was happening. I was also made aware that the Minneapolis Area Road Engineer, at that time, had purchased computer equipment for the Minneapolis Area Office with \$50,000 of Red Lake's Road Maintenance funds. When I called the Area Engineer and inquired about these incidents he told me it was none of my business and hung up on me. The Red Lake Maintenance program was never reimbursed for this unauthorized expenditure by BIA of our roads maintenance funds.

The items other than item 2 are based on verbal statements made by Area Office staff to me. I believe there are compelling reasons to warrant further investigation by the Senate Committee and the General Accounting Office. I doubt that the Minneapolis Area Office would furnish this information to the Red Lake Band, even under FOIA

Cames Man

James Garrigan, Director Red Lake Tribal Roads Program

c: Bobby Whitefeather, Chairman

## RED LAKE BAND of CHIPPEWA INDIANS



Red Lake, MN 56671

Phone 218-679-3341 \* Pax 218-679-3378

prymose. Executive Direction

and the state of the state of

TRUBAL COUNCIL.
Departed April 18, 1818Terrai Carciate & By Lev.
Jordey 6, 1850
PPICERS

STATE SHOP SHOWING COMPANY AND SHOP SHOW SHOW SHOWS THE SHOP SHOWING THE SHOP SHOWING THE SHOP SHOWING THE SHOWING THE SHOP SHOWING THE SH

ADVISORY COUNCIL.

1 WEST CAT CHEEP
COMP COCNESS OF USE
See Seet grants and
Tell gent a promise

October 29, 1999

RESPONSE TO ADDITIONAL QUESTIONS REGARDING THE OVERSIGHT HEARING ON INDIAN ROADS AND THE TRANSPORTATION EQUITY ACT IN THE 21<sup>37</sup>. CENTURY (TEA-21), HELD OCTOBER 20, 1999 FROM THE HONORABLE SENATOR BANIEL B. INOUYE, VICE CHAIRMAN SENATE COMMITTEE ON INDIAN AFFAIRS.

QUESTION: What specific actions would you suggest this Committee might take to improve the prospects for a successful acgotiated rulemaking process?

Response (1) I believe it would be very fruitful for staff from the Committee on Indian Affairs to attend some of the negotiated rulemaking sessions to observe and offer suggestions on the process. In this way, the Committee could see, first-hand, the Federal-Tribal dynamics about which we testified (2) I also believe that it would be very helpful for the Committee to provide an orientation or education sersion for the Federal representatives on the Negotiated Rulemaking Committee that would provide information on the congressional intention and hope belond the language in Section 1115 (b) of the Act. The federal representatives on the Negotiated Rulemaking Committee are very schickast to secognize what "all funds" sticuts and do not understand what the tribes are already authorized to do under P.1. 93-638. (7) Labor believe a letter from the Senate Committee leadership to the Assistant Secretary would be timely and appropriate, which letter should urge the Assistant Secretary to veit the federal representatives on the Negotiated Rulemaking Committee with the full authority to negotiate on behalf of the United States and to advocate on behalf of all tobes and not align themselves with particular tribes. (4) Likewise, I believe a letter from the Sepale Committee leadership to the tribal representatives on the Negotiated Rulemaking Committee would be timely and appropriate, which letter should step the tribal representatives to exercise some give and take and to move the process along more expedimously 15). Finally, I believe the Senate Committee should announce early on that it will be conducing another oversight hearing. immediately prior to the final week of negotianims on the proposed rule in February.

QUESTION: What disadvantages would Indian Country see if the IRR program authority were transferred to the Federal Highway Administration?

Response: With any change there is the possibility of inefficiency and uncertainty but, considering the present direction of many tribes into self-determination and selfgovernance, this would probably be short lived and manageable. For those tribes who desire to operate the IRR program under P.L. 93-638, it would eliminate the "middle man" and make more of the administrative and program dollars now being absorbed by the BIA available to the tribes. Some direct service tribes who have their program operated under the "force account" method by the BIA may experience some difficulty in the transition. We would urge the Committee to include in any transfer statute express language modeled after the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) which would reaffirm that the prevision of transportation assistance to Indian tribes under TEA-21 is an "essential element in the special role of the United States in helping tribes and their members" as a result of the fact that "the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indian people." Cf. 25 U.S.C. 4101. Likewise, we would urge that any transfer statute, like was done in NAHASDA, require that Public Law 93-638 authorities apply to the Department of Transportation and its Federal Highway Administration, to ensure that those agencies deal directly with Indian tribes. I can see no long term disadvantage to Indian Country if the IRR program was transferred to PHWA.

Respectfully Submitted.

Robby Whitefeather, Chairman Rod Luce Band of Chippewa Indians

# STATEMENT OF THE NAVAJO NATION BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS

## On Transportation Equity Act for the 21st Century (TEA-21)

## **OCTOBER 20, 1999**

The Navajo Nation welcomes this opportunity to provide its views to the Committee about the implementation of the Transportation Equity Act for the 21st Century ("TEA-21"). TEA-21 is an important piece of legislation, which promises many improvements for the transportation infrastructure within Indian Country. TEA-21 is particularly important to the Navajo Nation since the Navajo Nation has such a large land base in desperate need of roads.

In particular today, the Navajo Nation would like to bring to the Committee's attention its experience with the Negotiated Rulemaking process and concerns the Nation has with the distribution of funds during pendency of the Rulemaking, especially the obligation limitation imposed by Section 1102 of TEA-21 and the bridge replacement program.

## RULEMAKING

Overall, the Negotiated Rulemaking is progressing, although not at the speed which was originally desired. The original delays in naming and organizing the Rulemaking Committee were compounded by the Secretary of the Interior's reluctance to sign off on the Protocol's which formed the basis for the procedures to be used for the rulemaking. These delays have impacted the ability of the Rulemaking Committee to develop a final product in accordance with the proposed time lines. Nevertheless, it is anticipated that with the possible exception of funding formula, which will be

discussed shortly, the other aspects of the proposed regulations will be ready for release soon.

Of the four workgroups which make up the Negotiated Rulemaking Committee, the workgroup most in controversy is the Funding Formula Workgroup. This workgroup has been tasked with the review and development of possible alternative methods for distributing funds under the Indian Reservation Roads (\*IRR\*) program. The Funding Formula Workgroup has encountered problems surrounding the appropriate method to address needs of smaller tribes, who have asked the Workgroup and Committee to consider the possible "set aside" of a portion of the IRR funding to be used as a base to address transportation projects which might not otherwise be addressed as quickly. The Navajo Nation has opposed such a set aside; as being contrary to the underlying principle of a relative needs formula. However, this issue has brought about an impasse in the Funding Formula Workgroup.

Given some of the difficulties faced by the Funding Formula Workgroup, it may be wise to support the development of a "partial rule." That is, rather than have a complete set of regulations, the Negotiated Rulemaking Committee would issue a set of proposed regulations on everything except the funding formula. This would have an advantage of allowing the Committee to issue the regulations in the near future.

## Large vs. Small Tribe Issues

While the Navajo Nation understands that small Tribes desire a "set aside" for their use, and moreover, it seems logical that they may have real need for funds for various projects, any set aside is clearly unacceptable. Regardless of how need is determined, or the formula to be used, funding of the IRR program must focus on need and must be related to need.

It has been the position of the Navajo Nation for several years that the BIA funding to tribes must be needs based. Most recently that Navajo Nation reaffirmed this position to Assistant Secretary Gover with respect to the Tribal Priority Allocation study and workgroup. Similarly, this is the position which was taken surrounding the BIA budget development for the FY 2001 budget.

However, this is not to say that needs do not exist for small tribes. In fact, it may be worthwhile considering a general recommendation that part of the IRR funding (preferable from the 6% funding) be used by the BIA to develop a "small Tribe assistance program." The goal of this program would be to help small Tribes in the development of Transportation Improvement Plans or TIPs which clearly state their needs in a defensible manner. This type of recommendation would have several advantages, particularly in that it would help develop information which could then be used to justify larger appropriations in Congress.

## POST-NEGOTIATED RULEMAKING WORK

Over the course of rulemaking meetings, it has become apparent that even after the rulemaking is concluded much work needs to be done. In particular, this seems to be on two levels: training (both general and specific to contracting and compacting) and the development of some standards regarding use of the Federal Acquisition Regulations, which would not otherwise apply to contracts under the Indian Self-Determination and Education Assistance Act.

In the process of some of the presentations, it is apparent that some employees of the BIA do not understand and/or agree with the goals of Self-Determination, let alone have and understanding of the Indian Self-Determination Act's requirements and provisions. This imposes a handicap on tribes and tribal organizations attempting to contract or compact.

Probably the only effective method to address these misunderstandings is through comprehensive training for both BIA and tribal personnel. Not only could this training help improve the implementation of the law, but it would assist in making the interpretations throughout Indian Country uniform.

## **OBLIGATION LIMITATION**

Section 1102 of TEA-21 creates an obligation to redistribute approximately 10% of the Federal Lands Highways Program to the states as Surface Transportation Program funds. Unfortunately, the IRR program funding is located within the Federal Lands Highway Program. While this may have started off as an attempt to address

states needs for funds in road development around federal lands, it also deprives the IRR program of needed funds; for example in Fiscal Year 2000, the IRR program was allocated \$275 million, yet the obligation limitation reduced that amount by \$32 million.

### BRIDGES

While the reductions imposed by the obligation limitation hurt the IRR program, their effect is worsened by the additional reduction caused by the delays and inability of the Federal Highway Administration ("FHWA") to distribute Bridge Replacement funding. Fiscal Year 1999 is gone, yet some \$13 million designated for bridges is still being withheld by FHWA. In the current year, an additional \$13 million is being withheld, for a total of \$26 million to be eventually distributed. The obligation limitation will apply to withheld amounts, actually increasing percentages to be turned over to the states.

The Navajo Nation has requested that the bridge funding be released based on the emergency condition of most of the Navajo Nation's structurally deficient bridges. See, Exhibit "A", Resolution of the Transportation and Community Development Committee of the Navajo Nation Council, TCDCMA-21-99. However, FHWA has advised that these funds will not be distributed until the method of distribution by formula is acceptable to Indian Country. It is presumed that the Negotiated Rulemaking will determine the distribution formula for bridges, however, this formula could be delayed, particularly if the Negotiated Rulemaking Committee decides not to issue a new distribution formula immediately.

The Navajo Nation believes that it is critical that FHWA release these needed bridge replacement funds immediately, before additional funds "pile up." As the funds withheld by FHWA continue to grow, so does the need for bridge replacement.

The Navajo Nation thanks the Senate Committee on Indian Affairs for the opportunity to express its concerns and observations regarding the implementation of TEA-21. If the Committee has questions about the Act and its impact on the Navajo Nation, we will be happy to address those questions.

TCDCNA-21-99

## RESOLUTION OF THE TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE OF THE HAVAJO NATION COUNCIL

Requesting the Federal Highway Administration and the Bureau of Indian Affairs/Department of Transportation (BIA/DOT) to Immediately Release the Accumulated Funds of \$26,000,000 from the Nationwide Priority (Bridge) Program from Fiscal Years 1998 and 1999 and to Disburse Said Funds on an Emergency Basis and to Continue Disbursements Each Fiscal Year

### WHEREAS:

- Pursuant to 2 N.N.C. Section 420, the Transportation and Community Development Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council; and
- Pursuant to 2 N.N.C. Section 423 (E) (1) (2), the Transportation and Community Development Committee is empowered to represent the Navajo Nation in all roads and transportation matters and to develop and approve priority lists for roads and transportation projects; and
- The Transportation Equity Act for the 21st Century (TEA-21) was enacted on June 09, 1998, to address transportation matters including funding for the Federal Lands Highway Program of which the Indian Reservation Roads (IRR) Program is a part of; and
- Based on TEA-21 at Section 1115 (b) (2), funding is authorized for the Indian Reservation Roads Program of \$225,000,000 for Fiscal Year 1998 and \$275,000,000 for each fiscal years beginning 1999 through 2003; and
- 5. Pursuant to Section 1115, Subsection 202 (d) (4), the law further established a Nationwide Priority Program for Indian Reservation Roads Bridges of \$13,000,000 for each fiscal year, for improving deficient bridges to either replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate de-loer to or install scour counterseasures including multiple-pipe culverts; and
- Bridges meeting the following criteria were eligible to receiving funding:
  - a) have an opening of 20 feet or more;
  - b) be on an Indian Reservation Roads;

**EXHIBIT A** 

- be unsafe because of structural deficiencies; physical deterioration; or functional obsolescence; and
- d) be recorded in the National Bridge Inventory administered by the Secretary under subsection (b);
   and
- The funds to carry out the Indian Reservation Roads Bridge projects were to be made available only on approval of plans, specifications, and estimates by the Secretary, and
- 8. Since TEA-21 was implemented from Fiscal Year 1998, funds set aside for the Indian Reservation Roads bridges for the purpose of repairing, replacing, or rehabilitating deficient bridges throughout Indian Country have been withheld from distribution and that, to date, \$26,000,000 is being withheld and unexpended, and
- However, even though the criteria is clear in the statute, the federal government has not released funds, instead requesting regulatory procedures; and
- 10. The Navajo Nation believes that such withholding of funds for needed repairs and/or replacement of deficient bridges is contrary to law since the eligibility criteria has already been established and met by the Navajo Area and is, therefore, not an issue for interpretation by any federal agency and/or consideration by the Negotiated Rulemaking process; and
- 11. The continued withholding of bridge funds is adverse and detrimental to the travelling public including daily commuters who utilize these deficient bridges and whose lives are at risk and jeopardy and thus raises a Federal Government liability issue; and
- 12. Furthermore, the continued withholding of bridge funds, causing a carryover into subsequent fiscal years, causes a higher obligation Limitation takedown (Sections 1102 (f) of the Act) resulting in additional loss of funds to the overall Indian Reservation Roads construction program, and
- throughout the reservation which are of low rating and from the inspections conducted on these sites, have been determined to be in need of repairs or replacements and do meet the eligibility criteria as established under Section 1115. Attached hereto are copies of the Navajo Nation Fiscal Year 1999 Priority Construction Schedule, marked herein as Exhibit "A" and the Navajo Nation Bridge Priority list, marked herein as Exhibit "B".

## NOW THEREFORE BE IT RESOLVED THAT:

- The Transportation and Community Development Committee of the Navajo Nation Council hereby requests the Federal Highway Administration and the Bureau of Indian Affairs/Department of Transportation to immediately release the accumulated \$26,000,000 of the National Priority Bridge Program Punds from Fiscal Years 1996 and 1999 and to disburse said funds on the basis of a public exigency.
- The Transportation and Community Development Committee of the Navajo Nation Council hereby requests the Federal Highway Administration and the Bureau of Indian Affairs/ Department of Transportation to continue disbursing the Bridge Program funds each fiscal year hereafter without having accumulated carryovers.

#### CERTIFICATION

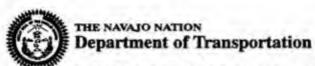
I hereby certify that the foregoing resolution was duly considered by the Transportation and Community Development Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present, and the same was passed by a vote of 7 in favor, 0 opposed and 0 abstained, this 8th day of March, 1999.

> chairperson, Transportation and community Development Committee

Navajo Nation Council

MOTION: Joe Salt

Andrew Simpson SECOND:



P.O. BOX 4626 - WINDOW ROCK, ARIZONA 86315 - PE: (526) 871-6496 - FAX: (526) 871-7987

KILLSEY A BEGAY

THILDH WHEHER, M.O.

November 03, 1999

Honorable Senator Daniel K. Inouye Vice Chairman United States Senate Committee on Indian Affairs 836 Hart Senato Office Building Washington, D.C. 20510

Dear Senator Inouye:

I am writing regarding the questions you sent on October 22, 1999 to follow up on the Committee on Indian Affairs oversight heating on the Indian Resovation Roads program and the Transportation Equity Act in the 21° Century (TEA-21). For readability, I have reproduced your questions prior to providing my response.

 You workly that funding an appropriate method to address the nords of small tribes has brought about an empasse in the Funding Formula Workgroup.

QUESTION: Do you thank that the difference in circumstances and needs between large and small tubes and reservances are so great that it might make sense to divide funding for the roads program into rare categories, one for large tubes and one for small tubes, with separate funding formulas for each?

ANSWER: Separating the funding for large and small eithers does not seem to be an answer which will solve the current dilexima. First off, the goal of TEA-21 for Tobes is to provide a basic level of equity in the development of roads infrastructure. In the view of the Narujo Nation, this means that funding must be development of roads infrastructure. In the view of the Narujo Nation is concentred that any attempt to divide current roads funding goal to small and large Tobe allocations will be viewed by some as a way to allow small. Tobes to abuse funding by secoding the need basis on which funding was to the attributed. As well, it would seem that any attempt to split funding between formulae for large and small Tobes will create a series of practical problems (e.g., when does a Tobe 6t into the "arrail" or "large" category is thus a determination made based on reservation size or population?) Instead, the Navajo Nation favors the development of a specific technical assutance program for small Tobes, which would assist those Tobes to more making demonstrate the needs they face, and plan to address those needs. Once articulated, that need can be used to pustify the project funding, and as appropriations.

Other witnesses have testified that the problems with the BIA are such that Congress should transfer authority for the Indian roads program to the Federal Highway Administration.

QUESTION: What is your view of this suggestion?

ANSWER: Notwithstanding complaints about the BIA, the Navajo Nation opposes any move which would transfer authority for the Indian Reservation Roads program to the Federal Highway Administration. There are several reasons for this. Under oursent law, only the Secretaries of the Department of the Interior and the Department of Health and Human Services are authorized to enter into Indian Self-Determination Act agreements. Unless that authority was expanded to the Secretary of Transportation, there would be no Self-Determination Act contracting for the Indian Reservation Roads program. This would seem to be a reversal of a 25-year Unsted States policy favoring Indian self-determination. Also, even though some criticism of the BIA may be justified, it is the Navajo Nation's experience that many of the difficulties with the BIA Transportation Program comes from policy determinations trade by the Federal Highway Administration in the Department of Transportation. Similarly, it has been the Navajo Nation's observation that the Federal Highway Administration enjoys its "streardship" role too much, failing to comply with clear mandates contained in the policy set forth by Congress and the Administration.

In addition to the change is policy direction, a move of the transportation from the BIA to the Federal Highway Administration raises a number of practical concerns. For example, many (if not most) BIA employees are Tribal members, most of whom have lived on-reservation and are very familiar with the deplorable condition of the transportation infrastructure in Indian Country. Similarly, the BIA is very familiar with other concerns which impact on transportation, including cultural, archeological and jurisdiction issues. Federal Highway Administration does not have this kind of knowledge and experience.

While a move to the roads program may first appear to resolve some difficulties, the Nation is concerned that it will create others, including the need to educate a Department of the nature of the government to-government relationship enjoyed by the Tribes and the Federal government. Movement of the Indian Reservation Roads program would nely increase these difficulties, not decrease them, rather than continuing the policy of Indian self-determination, transfer of the Indian Reservation Roads program would seem likely to continue the history of federal domination in this area.

Again the Navajo Nation thanks you and the Committee for the opportunity to present the Navajo Nanon's views on this important matter. If you or any of the Committees have further question, please contact me.

Sincerely yours,

Paulson Chaco Director Comments of
Alfred Ketzler, Sr., Chief Admin Officer & Member of Reg. Neg. Comm.
To the
Senate Committee of Indian Affairs
Concerning the
Oversight Hearing on the Indian Reservation Roads
November 2, 1999

Thank you, Chairman Campbell and committee members for the opportunity to submit comments. My name is Alfred Ketzler, Sr., I am Chief Administrative Officer for Tanana Chiefs Conference, Inc. which is a consortium of 34 federally recognized tribal governments in the Interior of Alaska. I am one of Alaska's representatives on the national negotiated rule-making committee on Indian Reservation Roads, and I have attended most of the meetings since they began in March.

I would like to preface my comments by stating the obvious: the IRR program is badly under-funded nationally. There is the one funding issue that all tribal representatives to the pegotiated rule-making committee agree upon, there is only 50,000 miles in the IRR system which would equate to 2.63% of the total road system in the U.S. The IRR system is funded at less then 1%. If IRR were funded on an equal basis of the states, IRR would receive \$793 million per year. My understanding is that the total construction need which the BIA uses to calculate IRR allocations is in the \$6 to \$7 billion dollar range. That would mean it would take 25 years as current funding levels to even meet today's need

When TEA-21 increased IRR appropriations, we in Alaska certainly expected an increase of funding. Although Alaska's IRR funding did go up from 1997 to 1998, this was primarily due to BIA's Central Office accepting new construction cost figures for Alaska. Our funding actually went down substantially in 1999, approximately 57 million. IRR funding in TEA-21 did not keep up on a percentage basis with the increase enjoyed by the states. Because \$13 million in reservation bridges money was taken out of IRR construction funding and the obligation limitation was applied to IRR funding for the first time TEA-21 took away much of it's own increase to the IRR program. The obligation limitation reduced IRR construction funds by about \$31 million in 1999. TCC strongly

supports requests made by NCAI and others that Congress fund the IRR program at 100%.

## The Existing "Relative Need" Formula

My main point today is that the method used by the BIA to distribute IRR funds among the BIA Areas is grossly unfair and in need of change. The "relative need" formula is illogical; it does not fairly or accurately measure tribal needs, and it is contrary to the authorizing legislamon for the program. It effectively excludes the mojority of eligible Indian reservations and Alaska Native communities from meaningful participation. The formula reflects a policy decision made by the Bureau in the early BIA-owned roads program. It intentionally tracks 80% of funding, every year, to those tribes and BIA regions that had BIA roads constructed in the past.

There are three numeric factors in the formula: 50% of the funding is allocated based on "cost to improve," which is a measure of construction costs; 30% is allocated by "vehicle miles traveled" which is a measure of vehicle use of a given toad segment; and 20% is allocated by population.

Superficially, that may seem to make sense. However, both the cost to improve and vehicle-miles factors are based on a road inventory, which is limited to existing roads the BIA itself owns, or controls the right-of-way for. (There are exceptions for Alaska and for Oklahoma, which I'll get to in a moment.) But in general, tribes with no BIA roads at all are excluded from 80% of the funding, regardless of their need for new roads or to upgrade tribally owned roads. In contrast, the law, at Section 101 of Title 23, includes all public roads which serve or provide access to reservations or Alaska Native communities in the definition of Indian Reservation Roads.

Alaska is treated somewhat differently in the formula than other areas. Congress used appropriations acts in 1993 and 1994 to require that projects in the BIA's Juneau Area Transportation Plan be counted in the national BIA road inventory for funding purposes. This was later extended by administrative policy. This had the effect of counting about

1000 miles of proposed roads in Alaska in the national inventory. Without this exception, even at TEA -21 funding levels, Alaska would only receive \$2 or \$3 million at most. An exception was also made for Oklahoma tribes to include former reservation roads in the inventory.

Although we greatly appreciate the Alaska exception, it is not a good substitute for having a fair formula to begin with. Juneau has never had the funds to do necessary transportation planning in 227 communities. The Area Plan merely skims the surface, and reflects only the very top priorities of the villages at the time the plan was done. As the members of this Comminee know, Alaska's rural villages are starting from almost a zero infrastructure hase for ground transportation. Virtually any development we do requires some road construction. We do not have county government, our local municipal governments where they exist have virtually no tax base, and the state DOT disavows any responsibility for road construction within our villages.

One of the unfortunate side effects of the BIA's system is that true tribal road construction needs are never recorded or requested of congress, and neither are the true roads maintenance needs for BIA owned roads. The relative need formula enables the BIA to sidestep its obligation to request adequate maintenance funds for its own roads.

There are other problems with the relative need formula and it's underlying data

- Cost-to-improve figures are derived from the BIA's own construction costs, as
  reported by the Area Offices, which means there is no incentive to be cost
  efficient. The more the BIA or a tribal contractor spends on a road project, the
  more funding it will receive in the future.
- The BIA road inventory system and allocation system is excessively complex.
   According to information provided at the Neg-reg, each segment of IRR road is supposed to have data sheet with 55 fields of information filled out by the tribe or the Bureau. This should be redone every year for the inventory to stay current. In

theory, once a road is built up to FHWA standards, it is supposed to drop from the inventory for funding purposes, but that rurely happens. The inventory was never completed in all areas, and there is enormous variation among the areas in how this information is collected and managed

The Bureau in Alaska simply does not have the resources to maintain this complex of a system for 227 tribes.

- The data system is outmoded and unreliable and completely unverifiable by anyone outside the Bureau. When the BIA reported on the system to the Neg-reg this summer, the data was being maintained on antiquated computer equipment that used a Cobol operating system. It was not Y2K compliant. We were told that to verify data, we would have to physically go to Albuquerque to watch them run the numbers. In this day and age, all of this data should be available electronically and computations should be replicable on any laptop computer. All they have provided committee members is hard copies.
- The range of projects, which are eligible for spending at the local level, is much broader than the road inventory, which drives funding to the local level. This means tribes or local BIA offices can spend money on projects which are not in the BIA road inventory, and thus prevent their need from going down in fact, if they build a new road, their funding will go up because that road will eventually be added to the inventory for improvements. I have been told that some reservations have many miles of unimproved dirt or gravel roads that stay in the inventory for funding purposes forever, because the local priority is to never upgrade those particular roads.
- One of the ironies in Alaska is that because of the lack of maintenance funds, the Bureau normally requires the state or a municipality to take the right-of-way and maintenance responsibility of a new BIA road. This means our new roads don't get into the system.

Another particular Alaska problem has to do with the use of FHWA cost indices. The Bureau applies FHWA cost indices as corrective factor on cost-to-improve, to correct for inflation or defianon. The index is derived from data provided by the states, and assigns a percentage value for the various construction costs in geographic subregions. 1987 costs are the base. In 1997, for some reason, there was no new FHWA data in Alaska for certain of the key construction cost components, such as gravel and paving. This 1997 FHWA index was used by the Bureau to "correct" the 1999 relative need distribution. Rather than simply revert to the prior year's data, the Bureau applied an arbitrary "default factor" to Alaska's construction costs, which as I understand it, was 93% of 1987 costs.

Alaska's relative need share dropped about 33% or \$7 million from 1998 to 1999

• The funding formula does not fund all the functions that have to be performed. As a practical matter, any tribe which wishes to fully participate in the IRR program has to do transportation planning, develop it's inventory, and in general, acquire a fairly sophisticated understanding of the program. Tribes with transportation departments are able to access the system much better than those without. These functions are just not funded for small tribes. Although 2% planning funding is available, a BIA Area's 2% funding depends on how much construction money it's receiving.

In Alaska, the per tribes share of 2% money is about \$1,300-not enough to do much of anything. Some Alaska tribes spent their entire 1999 2% planning amount sending one person to observe the August Neg-reg meeting in Anchorage. This lack of funding for basic administrative capacity, by itself, effectively locks small tribes out of the program.

I will note in passing that Section 204 of Title 23 imposes some mandatory functions on all Federal Lands Highways programs, such as developing safety and other management systems, which are not funded by the BIA's relative need formula

The BIA formulas focus on roads to the exclusion of other uses of IRR funds. At least since TEA-21 was enacted, the IRR program is not just for roads. Transit systems are specifically authorized in Section 204(b). The section in the law, which required a new formula to be negotiated for FY2000, says that the formula is to reflect the 'relative needs of the Indians tribes. for transportation assusance." It is not just a program for upgrading BIA-owned roads.

As a practical matter, in Alaska many of our ground transportation needs are for relatively small-scale projects such as boardwalks, winter trail staking, improved trails or single lane roads. Although we can build some of these kinds of projects, they do not drive funding in the inventory.

Because of the BIA's funding formula, the majority of the tribes in the United States are effectively outside the program. Some of the tribal support staff at the Neg-reg did their own research and estimated that about 350 of the 556 recognized tribes nationally did not receive any IRR construction projects at all during the entire (STEA authorization period. Some of these tribes may have received planning projects from construction funds, but no construction projects.

This is not a precise count, as it was based on interviews of BIA staff, but I don't believe it is far from wrong. In Alaska alone, about 200 tribes were not served during ISTEA-I doubt that more than 25 or 30 projects were built, and we have 227 tribes.

The 1999 relative need distribution data provided by the Bureau shows that 155 tribes nationally are allocated "zero" from the cost-to-improve part of the formula, which means that they have no roads in the inventory. These tribes are only attributed funding based on population. Alaska has 55 of these zero inventory tribes. I can assure you that these tribes, or most of the, have very real transportation needs. Stateen additional Alaskan tribes are missing from the data altogether. I guess they don't even rate a zero. Another 70 Alaska tribes are credited with cost-to-improve funds, but not with vehicle miles traveled. Alaska is the only Area in which this occurs.

Alaska received \$16.6 million in IRR funds in 1999. It has 227 tubes spread out over a land area 1/5° the size of the Lower 48, a relevant service population of 60,000, and extremely high construction costs. The Billings Area, with 7 tribes, 42,000 people, and much lower construction costs, received just under \$17 million. The lowest relative need share for any Billings Area tribes is \$1.385 million, and only 2 of the 7 Billings tribes receive less then \$2 million. None of the Alaska's tribes is attributed even \$1 million, and only one tribe is close to that amount. Four/fifths of Alaska's tribes are attributed less than \$100,000, and there are many whose relative need share is only a few thousands or even hundreds of dollars.

Navajo, by itself, receive \$59 million and several million more in bridge money.

## The Negotiated Rule-Making Process

I had thought that the negotiated rule-making would be an opportunity for tribes nationally to develop a new formula, taking into account the needs of the various regions and tribes, and following the criteria set forth in TEA-21. The relative need formula was adopted even before ISTEA, and common sense might suggest that after two transportation acts it would need to be revised. The shift to emphasis toward "transportation assistance" in TEA-21, and the specific criteria listed in the statute such as "relative administrative capacities," geographic isolation, and so forth indicate to the Alaska delegates quite clearly that Congress intended a new formula to be developed.

That is not the Bureau's understanding. To be blunt, the formula part of the negotiated rule-making has broken down. This is largely because of Bureau obstruction to any suggestion of change

It took the Bureau rane months from the enactment of TEA-21 to even convene the first Neg-reg meeting. Protocols to govern the process were approved by the full committee, including the federal representatives, after the second meeting, but it took three more months for the Interior Department to approve the document. Even then, the authority of the federal negotiator was watered down-the clear message was that any final work product of the committee would still be subject to multiple layers of review by the agency. There is only one Area Director on the committee, Robert Baraker, and he and Mr. Gishsi, the chief of BIADOT, are the highest-ranking BIA officials present. There

are at least three Area Road Engineers. Conspicuously absent is the Office of Self-Governance, despite numerous requests by tribes that someone from OSG be appointed to the Committee. OSG staff attend the meetings, but they are not on the committee.

Very early the tone was set that there is little interest in the Neg-reg at the highest policy levels of the Bureau, and even less interest in changing the way the Bureau does business. Assistant Secretary Gover has not attended a single meeting, although there is talk he would want to attend, especially the Formula Funding Group.

Although the negotiations regarding program regulations seem to be going pretty well, the funding formula discussion is going nowhere. Some of the problems, as I see them, are as follows:

- Not once since the beginning of the Neg-reg have any of the senior BIA officials defined the process as requiring a new formula to be negotiated. The most that the senior BIA officials have said is that the need for a new formula is for the committee to decide. This lack of coherent BIA policy direction leaves the individual BIA representative on the committee free to oppose any change.
- \* No alternatives to the present funding formula have been developed or presented by any Bureau officials, but Bureau delegates on the funding workgroup have vigorously opposed changes suggested by tribal representatives. Bureau staff severely criticized one the FHWA representatives for merely presenting alternatives to the formula. In my view, this is exactly what FHWA and the Bureau representatives should be doing if they are going to participate in the formula discussions.
- \* The Bureau did not come to the first Neg-reg meetings with any national funding information or the underlying data, which drives the formula. Although the Program Management Office did eventually make this material available, tribal representatives had to ask individually for their own copies. Some Bureau representatives in the funding workgroup argued seriously that the workgroup should not even look at funding information or inventory data.
- \* Some Bureau Area Engineers in the funding group continually blame the other regions for problems with funding, and assert that all problems can be fixed at the regional level. This is patently untrue-although there are certainly problems within the Areas, any Area only receives the aggregate "relative need" share of it's tribes.

\* Some of the tribal representatives are of the belief that if no consensus is reached, the existing formula will continue in effect by default. Bureau representatives have actively encouraged this idea.

That gives some idea of the tone. At one point, at the Anchorage meeting, one of our technical people read to the formula group Senator McCain's floor statement, when he introduced the amendment to TEA-21 that required the Negotiated rule-making. There is little other legislative history to go by. The floor statement said quite plainly that the criteria was borrowed from language used in the NAHASDA legislation, and was to be used by the Neg-reg committee to develop a new funding allocation formula. Senator McCain went on to say the amendment "was in ensure that the new funding formula fairly takes into account Indian communities who have not had their roads needs met under previous formulas."

Negotiated rule-making is a consensus-based process, and it is unclear to me how we are to make any progress when some of the representatives won't accept anything other than the status quo. The Bureau itself does not even define the task as negotiating a new formula.

Of course, some of the tribal representatives are also opposed to any change in the formula. No one wants to lose money. Recently, when Congress made \$18.3 million in totally new money available in the FY2000 appropriation, the small tribes representatives were unable to persuade the funding formula group or the full committee to even recommend that the Bureau redirect some of the new money to benefit tribus which have not participated in the program. This was debated for a full week, with several alternative proposals presented, but no consensus was reached. Again, some of the most vigorous opponents to any redirection funds were Bureau employees.

I don't behave that the few tribal representatives who oppose changing the formula are completely entrenched in their positions. I can't imagine that any new formula would not treat tribes with large populations and land bases well. The real obstacle is the Bureau itself. By and large, the Bureau controls the information flow. A tribal representative who is told 1) that no negotiation is necessary, because if an impasse is reached, nothing will change, 2) that there is no need to look at funding data or

consider the interests of tribes nationally, and 3) that all of the problems are the fault of "other" regions, has very little reason to negotiate.

### Recommendations

I have three recommendations.

First, Congress should give the Bureau clear direction that the negotiated rulemaking is expected to produce a new funding formula, taking into account the interests of all tribes, and the criteria set forth in TEA-21. Further, if no consensus is reached and the Bureau communes to use the existing "relative need" formula, Congress should be prepared to legislate an allocation method for FY2001.

Second, there should be a Congressional audit of the BIA's Transportation Program. An independent analysis of the way the Bureau allocates and spends IRR money would, in the long run, help the Bureau, the mbes, and Congress make it is more efficient program, more finely funed to the needs of Indian people. In my view, the Bureau has misdirected funds that are appropriated to meet the transportation needs of tribes, to meet the needs of the Bureau.

It is not uncommon for particular Areas to fiel to obligate all of the limited funding available to them and for projects to take years and years to be completed. The BIA Transportation Department is the last of the old-time BIA fieldoms. For other BIA programs, PL 93-638 contracting and in particular self-governance compacting have brought greater accountability, and much more access to information. Tribal contracting of roads projects is still relatively new, and the Bureau simply refused to allow compacting until this year.

One of the more frustrating aspects of dealing with the BIA roads program is that getting clear information can be almost impossible even our Area Office has difficulty getting information from Central Office. I have pages of correspondence from Juneau to BIADOT requesting, unsuccessfully, a clear explanation of how roads maintenance money is allocated. An audit would bring the light of day to this program.

Third, I believe Congress should seriously consider transferring the centre IRR program to the Federal Highways Administration. This would have to be done carefully to preserve tribal contracting authority. But transportation is the core competency of the

FHWA; it is not the Bureau's. I don't make this recommendation lightly. TCC gets along very well with the Juneau Area, and I suspect it would be easier for us to negotiate a contract with the Bureau than it would be with a new agency. But nationally, the BIA roads system is a dinosaur, which shows no willingness to change.

Thank you again for allowing me this opportunity to share my thoughts today. Congress did the right thing when it required negotiated rule-making. I hope that you will continue to exert pressure on the Bureau, or take more direct action to ensure that IRR funds are fairly distributed and efficiently used.

# SUSAN MASTEN, PRESIDENT NATIONAL CONGRESS OF AMERICAN INDIANS PREPARED STATEMENT ON INDIAN RESERVATION ROADS AND THE TRANSPORTATION EQUITY ACT OF THE 21<sup>57</sup> CENTURY (TEA-21) TO THE SENATE COMMITTEE ON INDIAN AFFAIRS

OCTOBER 20, 1999

#### I. INTRODUCTION

Good morning Chairman Campbell, Vice Chairman Inouye, and distinguished members of the Senate Committee on Indian Affairs. I am Susan Masten, President of the National Congress of American Indians (NCAI), the oldest and largest Indian advocacy organization in the United States, and Chairperson of the Yurok Tribe located in the State of California. On behalf of the NCAI, I would like to thank you for this opportunity to submit, for the October 20, 1999, hearing record, this statement on Indian reservation roads and the Transportation Equity Act of the 21\* Century (TEA-21).

#### II. BACKGROUND

Funding for the Indian Reservation Road (IRR) program, which funds the construction and maintenance of public roads that provide access to and within Indian reservations, Indian trust lands, restricted Indian land and Alaska Native villages, is of critical importance to Indian Country. On average, only \$500 per mile and in some cases as little as \$80 per mile is available for Indian roads maintenance. In comparison, an average of \$2,200 is spent on maintaining other federal roads, and an average of between \$2,500 and \$4,00 per mile is spent by states. The Bureau of Indian Affairs (BIA) has only been appropriated \$25 million a year for maintenance of all reservation roads in the United States. As a result of insufficient funding, many roads in Indian communities are not sufficiently maintained and most have to be shut down during the winter or become impassable during other times throughout the year. The overall health and economic viability of tribal communities is negatively affected by these deteriorating road systems.

There is an enormous need for the advancement of transportation infrastructure on Indian reservations throughout this country, especially given the fact that nearly 66 percent (66%) of the roads serving Indian communities are unpaved. These dirt or clay roads are occasionally covered with gravel, ungraded and typically found in a washboard and deeply rutted condition. On many reservations, the roads regularly turn to mud or wash out in spring and fall rains, forcing people in these areas to walk for miles to get to their homes. Also these conditions typically disrupt emergency, health care, and law enforcement services, as well as make it difficult to obtain heating fuel, food, water, and general commerce.

Any comparison of Indian roads to the rest of America's roads reveals a chronic inequity in the allocation of TEA-21 funds to the Indian Reservation Roads program. Indian reservation roads make up 2.63 percent (2.63%) of all existing roads on the federal-aid highway system; yet, Indian reservation roads have historically received less than 1 percent (1%) of the aid provided under transportation funding initiatives.

Mr. Chairman, as you are well aware, Indian reservations have a 31 percent (31%) poverty rate—the highest poverty rate in America. Furthermore, Indian unemployment is six times the national average and Indian health, education and income statistics are the worst in the country. With the implementation of welfare reform well underway, tribal government leaders are taking up the challenge of creating jobs and spurring tribal economies. However, this critical work cannot be accomplished if transportation infrastructure in Indian Country is allowed to remain in its current deplorable condition. Clearly, the funding allocation to Indian reservation roads must be dramatically increased.

#### III. TEA-21's "OBLIGATION LIMITATION"

During the reauthorization of the Intermodel Surface Transportation Efficiency Act (ISTEA), NCAI and tribal governments fought hard to increase funding for Indian reservation roads and bridges. Our overall efforts resulted in an \$84 million a year increase in the IRR program under TEA-21, the new reauthorization law. Unfortunately, this increase is far less than what is needed to address the dreadful conditions on Indian reservations. While Indian country did receive this important increase under TEA-21, a new cut was imposed on IRR funding that was never seen before. TEA-21 for the first time extended the "obligation limitation" to the Indian roads allocation, resulting in a loss of about \$25 million of the \$225 million we were promised for FY98, and about \$32 million of the \$275 million we were promised in FY99. Tribes stand to lose even more in FY2000.

Under the obligation limitation, the Federal Highway Administration (FHWA) is required by TEA-21 to withhold a certain percentage of the total IRR obligation authority amount at the beginning of each fiscal year to be redistributed near the end of that fiscal year to recipients with projects that are immediately ready for funding. However, in expanding the obligation authority withholding provision to the Indian roads allocation, TEA-21 failed to expand the redistribution authority to include Indian tribes. As a result, tribes are barred from sharing in the year end redistribution; thus, money authorized and appropriated for tribal roads is diverted to states. Obviously, our member tribes view this as unfair treatment. Therefore, NCAI feels that if any funds are withheld from the IRR allocation, they should be redistributed back to the IRR program.

In years past, IRR funds were exempt from the obligation limitation, making 100% of the authorized contract authority amount available at the beginning of each year. Clearly, in passing TEA-21, Congress has contradicted its proclaimed support for IRR through the application of the obligation limitation to the IRR program. Since the obligation limitation

provision now withholds funds from tribes and states, but redistributed the withheld funds only to the states, a legislative change is necessary to exempt IRR program funds from the obligation limitation withholding. NCAI asks that this obligation limitation be removed and IRR funding restored to the 100% level as soon as possible through an amendment to TEA-21(See Attached NCAI Resolution #VAN-99-070 and proposed amendment language).

#### IV. FURTHER INEQUITIES IN ALLOCATING NATIONAL HIGHWAY FUNDS

NCAI is also concerned with how Congress and the Administration distributes the overall national highway trust funds. When TEA-21 was being debated, it was recognized that Indian reservation roads make up 2.63% of all existing roads eligible for TEA-21 funding. However, under TEA-21 Indian tribes receive less than 1% of TEA-21 funding for these roads. If tribes were to receive their full pro-rata share of the billions included in TEA-21, Indian reservations would have received \$4.7 billion instead of the \$1.6 billion over the six-year period covered under TEA-21. Mr. Chairman, your assistance in increasing the national allocation to Indian country would be very much appreciated.

Also, the 1% set aside that amounted to about \$13 million in additional funding for Indian bridge rehabilitation and replacement in ISTEA was removed from TEA-21 and Indian bridge funding now must come out of the IRR funding. The loss of this extra \$13 million in highway bridges set aside funding results in a net loss to the IRR program of \$39 million. While we are grateful for the increases in funding under TEA-21, the obligation limitation, the loss of the bridge set aside funding, and other net losses has resulted in a mere \$12.4 million increase to the IRR construction program. Such a small increase is unacceptable in light of the current need in Indian country. Mr. Chairman, the Committee's assistance in correcting these critical shortfalls would also be appreciated.

#### V. CONCLUSION

Mr. Chairman, efficient roads are vital to most aspects of life on Indian lands including activities such as economic development, attending school, obtaining health care, and transporting people from welfare to work. During recent deliberations over the FY2000 transportation spending bill, Senator Domenici served as a strong advocate in calling for the full \$289.5 million in funding for the IRR program despite the obligation limitations imposed under TEA-21. However, while the Senator's efforts were applauded by Indian country, NCAI feels that TEA-21 should be amended to ensure that the IRR program is fully funded every year. Furthermore, NCAI would ask that the Committee fully consider the tesitomy provide by tribal leaders during this hearing. Their observations and suggestions with regard to the Negotiated Rulemaking Committee mandated by TEA-21 and the BIA's implementation of the Pub. L. 93-63B provisions of TEA-21 are reflective of many of the concerns raised by our member tribes. Mr. Chairman, thank you once again for this opportunity to provide this statement.

#### NATIONAL CONGRESS OF AMERICAN INDIANS

#### THE NATIONAL CONGRESS OF AMERICAN INDIANS

# RESOLUTION # VAN-99-070

#### EXECUTIVE COMMITTEE

PRESIDENT
W Rose Allers
Acronyma Fiftentine Prote

PIRST VICE PRESIDENT Ermin Devrens, Jr Davide Perior of Warpers

ABCORDING SECRETARY Lale Restaffs

TREASURYS. Sussell (Bud) Maste They difficult folias

#### AREA PICE PRESIDENTS

Careto M. Chillerd. Careto M. Chillerd. Calore Josev

ALBUQUEBIQUE AND Jos A Harris Obing Dwingels Sun Jane Factor

AMEGARAD AREA Gary McAdema Wichin & Afficiant Poller

BILLINGS AREA But Old Person Bruckfey Pitte PRINCAL ANEA

Breve General Machine Pillings of First Fisher

MINNEAPOLIS AREA Bernida Charidell Mills Lass Boad of Chines

MISSOCIAN AREA E Dises Kelley Chember Meller ROWTHEAST AREA

Michael W Schooller Separa Remor of Debons PROCEST AREA

PROPERTY AND A PROPERTY AND ADDRESS OF THE PROPERTY ADDRES

Beery Cagey

BACKAMENTO AREA Charpi A Seldon Tutle Rigif Breatment / 9

BOUTHEAST AREA A Brace Justs Juntos Fishe

#### EXECUTIVE DIRECTOR

Sadare E. Chica Mandan, Midday & Arthur Title: Recommending Removal of the Obligational Ceiling Limitation Requirement for the Indian Reservation Roads Program From The FY2000 and Subsequent Department of Transportation Appropriations Acts

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine bleasing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, all rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national Indian organization, established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAL.

WHEREAS, transportation impacts virtually every aspect of a community such as economic development, education, healthcare, travel, tourism, planning, land use and employment opportunities; and

WHEREAS, the Affiliated Tribes of Northwest Indians is aware that the Transportation Equity Act for the 21\* Century (TEA-21) has been signed into law by the U.S. President and limits the obligation of Indian Reservation Road (IRR) funding to 90%; and

1301 Connecticul Avenue NW Suite 200 Washington, DC 20016 202.466.7767 fax 202.466.7767

WHEREAS, the obligation ceiling limitation thus far has eliminated over \$58 million from the IRR program, which will lose another \$31 million if the limitation is not removed in the FY 2000 Appropriations Act; and

WHEREAS, this limitation is inconsistent with all prior transportation acts, and seriously impacts the ability of Indian Tribes and the Bureau of Indian Affairs to provide the American Indian people with safe and decent access to health care, education, employment, tourism, and economic development.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby draft a Technical Amendment in consultation with tribes and advocate for its' passage with the U.S. Congress to remove the obligation limitation contained in TEA-21 for Transportation Appropriations Acts.

#### CERTIFICATION

The foregoing resolution was adopted at the 1999 Mid-Year Session of the National Congress of American Indians, held at the Vancouver Trade and Convention Center, in Vancouver, British Columbia, Canada on July 20-23, 1999 with a quorum present.

W. Ron Allen, President

ATTEST:

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1999 Mid-Year Session held at the Vancouver Trade and Convention Center in Vancouver, British Columbia, Canada on July 20-23, 1999.

Proposed Tribal Amendment to TEA-21, P.L. 105-178, as amended by P.L. 105-206

At the appropriate place, insert:

SEC. 1. SHORT TITLE

This Act may be cited as the "TEA 21 Technical Amendments Act".

SEC. 2. TECHNICAL AMENDMENT.

"Section 1102(b) of the Transportation Equity Act for the 21" Century is amended –

> (a) in paragraph (7) by striking "and" after the semi-colon;

(b) in paragraph (8) by striking "." and inserting in its place "; and"; and

(c) by adding a new paragraph at the end thereof — \*(9) under section 1101(a)(f)(A) of this Act.\*

Purpose and effect of technical amendment.

Indian reservation roads and bridges are some of the worst in the Nation. Many Native American communities are connected to vital centers for health care, jobs, education, goods and services only via unpaved and weather-compromised roads. Individual Indians in remote reservations typically travel long distances by car, and consequently pay a disproportionately higher share of the federal fuel taxes that support the Highway Trust Fund.

In FY 1996, TEA-21 allocated \$225 million for Indian reservation roads. But for the first time, an obligation limitation was imposed on the Indian reservation roads account, resulting in \$24.17 million of this \$225 million being diverted to non-Indian communities. In FY 1999, TEA-21 allocated \$275 million for Indian reservation roads and bridges. \$31.7 million of this \$275 million was diverted to non-Indian communities because of the obligation limitation requirement.

The proposed technical provision would amend TEA-21 to add the Indian reservation roads and bridges program to the list of programs which are statutorily excluded from the obligation limitation for the duration of TEA-21. It would have the effect of providing to Indian reservation roads and bridges the full amount of FY 2000 funds (\$275 million) allocated to Native American communities under TEA-21 as Congress originally intended.

AT LARGE lose Takes Alex Rose Genes Fat McLenghim Mobel McAllineau Fine Benten Ones

burn Dre Sagle, ir



Elaine McLaughlin Summy

TESTIMONY OF
CHARLES W. MURPHY, CHAIRMAN
STANDING ROCK SIGUX TRIBE
BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS'
OVERSIGHT HEARING ON THE
INDIAN RESERVATION ROADS PROGRAM AND
THE TRANSPORTATION EQUITY ACT FOR THE TIM CENTURY
OCTOBER 10, 1999

#### DISTRICTS

Robert Cordera

Rapharl See Walker

for Strong Hear

Palmer Debende

Down Boar Rifes Name Souther District

Malron Berren Otter Bresk Greek Dorner

Farrest Long Chota Lattle Engle Darras

Randel White Se

#### I. Introduction

I am Charles W. Miarphy, Chairman of the Standing Rock Stoux Tribe. I would like to thank the Committee for the opportunity to submit this testimony on behalf of the Tribe. The Standing Rock Reservation consists of more than 847,000 acres in the States of North Dakota and South Dakota and a population of almost 9,000 people.

The Tribe has four main concerns that we would like to highlight and urge Congressional action

- Obligation Luminium: The Tribe urges the Commutee to work to eract technical amendments to TEA-21 to correct the obligation: familiation problem. Indian tribes lost roughly \$25 million to FY 1998 and roughly \$32 million from their FY 1999; allocation. Millions more will be lost in FY 2000 and in the following years if this is not corrected.
- Highway Safety Highway Safety as the Tribe's highest priority. The Tribe strongly believes that preventative highway safety activities are critical to saving our tribal members. Itives: As you know, death as a result of anonobile crashes is one of the highest causes of mortality in indian country. A significant number of these fatalities and injuries are directly related to the tumble conditions of our roads. Additional resources must be directed at highway safety programs.
- Funding Distribution. The answer so the severe underfunding of some tribal programs is not to take money away from an already underfunded program, whose needs are also not being met. The answer is to being up the level of funding for those tribes that are facing severe underfunding. However, Congruss must ensure that the existing funding levels for tribal IRR programs are not reduced.

715 BOX D + FORT VATES, NORTH DAROTA SISSAN PHONG 701-854-7281 -x 701-854-7282 - FAX 103-834-7299 FHWA Assumption of the IRR Program. The Standing Rock Sioux Tribe opposes moving the IRR program to the FHWA. The BIA Roads program has the ability and the expertise to administer the IRR program. A transition to another federal agency would not improve what we view as bureaucratic problems that would be a part of any federal agencies' oversight of this program. The solution is for Congress to be vigilant in its oversight of this program and ensure that the BIA carries out its obligations as required by law.

#### II. Additional Discussion

#### A. Overwhelming Need

The IRR road system consists of more than 50,000 road miles. Nearly everyone agrees this figure is significantly understated because of the lack of an updated and adequate IRR roads inventory system. However, even using this admittedly low figure, it is estimated that tribal roads constitute 2.63% of all public roads eligible for TEA-21 funding. Yet, the IRR program receives less than 1% of TEA-21 funds for its entire operation, whether for transportation planning, road design, road construction or simple administration of the IRR program.

IRR maintenance funding is as bad, if not worse, than the IRR construction funding situation. The BIA receives only \$25.5 million per year for IRR road maintenance. Mr. Robert Baracker, testifying for the BIA, noted that this figure works out to be less than \$500 per year for each mile of BIA-owned road, compared to \$4,000 to \$5,000 per mile of road spent annually by most state transportation departments to maintain state roads. The BIA estimates that \$100 million per year is needed to maintain BIA owned roads adequately. Increased funding for IRR road maintenance is not only the foir thing to do. It is the xwarr thing to do. B is not difficult to recognize that it is unwise to spend millions of dollars in federal funds to construct IRR roads and bridges only to see them fall into disrepsir and lose years of useful life due to a lack of adequate maintenance. The current \$25.5 million dollar appropriation for IRR road maintenance must be increased.

#### B. Obligation Limitation and Bridge Set-Aside

Congress must amend TEA-21 to correct the obligation limitation applicability to the IRR Program. While TEA-21 increased the authorized federal funding for the IRR program from \$190 million per year to \$275 million per year, it also made "obligation limitation" applicable to IRR funds for the first time.

Briefly, the "obligation limitation" requires the FHWA to withhold a certain percentage of FHWA program funds authorized to be spent from the Federal Highway Trust Fund so that they can be redistributed to high priority FHWA projects or eligible program participants at the end of the fiscal year. Some federal highway programs, such as the Emergency Relief Program and the Minimum Guarantee Program, are statutorily exempt from this process. Unfortunately, TEA-21 did not continue the IRR program's traditional exemption from the obligation limitation. By all

accounts, this highly significant and costly change to the IRR program was not a deliberate policy choice by Congress; rather, it was a simple drafting oversight. Compounding this error, TEA-21 does not include Indian tribes among the list of FHWA program participants eligible to receive redistributed highway funds withheld under the obligation limitation.

Additionally, TEA-21 eliminated the state pass through program for reservation bridges, and rolled the Indian Bridges funding into the IRR program. Prior to the enactment of TEA-21, tribes were receiving \$13 million to address their bridge needs through the State pass through program.

Thus, while it appears that the IRR authorization level was increased by \$85 million per year, it was, in fact, increased by only \$72 million, because \$13 million of the increase was already available to tribes under the other program.

Moreover, because of the obligation limitation, the total increase for the IRR program is actually only \$40 million a year. Thus, it is critical that the Committee work to enact technical amendments to TEA-21 to correct these critical funding issues.

#### C. TEA-21 Negotiated Rulemaking Committee

We strongly support the TEA-21 Negotiated Rulemaking process. Mr. Pete Red Tomahawk, the Tribe's Tribal Transportation Director, serves as a Tribal Co-Chair on this important committee. While it took the BIA ten months to convene the first negotiated rulemaking meeting, since that time the Committee has made significant progress towards its final goals. We have been impressed with the level of knowledge of the tribal leadership and the willingness of tribal governments to offer the services of their program staff to provide critical technical assistance to the Committee. We have also been impressed by the commitment of the tribal leadership to this process and to improving tribal transportation programs. The Committee has held meetings in every region of the country and heard from numerous tribal leaders who traveled using their own scarce resources to be a part of the process. This is a testament of tribal government support for this process.

#### D. Administrative Funds

We appreciate Chairman Campbell's request for a GAO study of the BIA's use of the 6% administrative funds and inquiring into the BIA's statutory authority to deduct additional "projected related" costs to manage the IRR program. How the BIA uses these funds and whether they are being used to the benefit of tribal roads programs is of significant concern to the Standing Rock Sioux Tribe.

#### III. Conclusion

On behalf of the Standing Rock Sioux Tribe, I would like to thank you for the opportunity to provide this testimony on this important issue. We look forward to working with the Senate Committee on Indian Affairs to identify and address the transportation needs of all Indian tribes.



Crow Country

P.O Box 159 Crow Agency, Montana 59022

(405) 638-2601

CROW TRIBAL COUNCIL

CLARA NOMEE, MADAM CHAIRMAN JOSEPH PICKETT, VICE-CHAIRMAN DENNIS BIG HAIR, SECRETARY CORNELIUS LITTLE LIGHT, VICE-SECRETARY

October 26, 1999

BEN NIGHTHORSE CAMPBELL, CHAIRMAN UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS HART SENATE OFFICE BUILDING, ROOM 838 WASHINGTON, D.C. 2020510-6450

> RE: INDIAN RESERVATION ROADS AND THE TRANSPORTATION EQUITY ACT OF THE 21<sup>ST</sup> CENTURY (TEA-21)

DEAR SENATOR NIGHTHORSE CAMPBELL:

FOLLOWING IS THE STATEMENT OF THE CROW TRIBE, CROW AGENCY, MONTANA:

STATEMENT OF THE CROW TRIBE REGARDING THE INDIAN RESERVATION ROADS AND THE TRANSPORTATION EQUITY ACT OF THE 21<sup>ST</sup> CENTURY (TEA-21)

The Crow Indian Reservation, a federally recognized rural reservation is located on 2.6 million acres of land in Southeastern Montana. Primarily located in Big Horn County, which has no urban population and has 20,000 inhabitants or more. The reservation is home to approximately 7,153 Tribal members. There are basically six districts where primarily residents reside: Wyola, Lodge Grass, Crow Agency, Big Horn, Pryor and Black Lodge.

The BIA, IRR inventory for the Crow reservation resulted in a total of 768.1 miles. This total does not include 20.0 miles of various classes of proposed roads. Of this total, 516.4 are on the BIA system, 137.0 are on the State Highway system, and 114.7 miles are on the County system.

The Crow Tribe, in cooperation with the Bureau of Indian Affairs, has determined which roads should be in the BIA Indian Reservation Road (IRR) Inventory. The overall result of the inventory mileage by surface type for Phase I at the Crow Reservation is 771.1 total miles in the BIA, IRR Inventory. There are 516.4 miles on the BIA Road System. Of these, 102.4 miles are paved, 48.3 miles are gravel, 120.2 miles are grade and drain and 245.5 miles are unimproved.

As you can see, the Crow Tribe has made some accomplishments on the reservation. Employment on the reservation of Tribal members is very important as there is a very high unemployment rate. The BIA helps some in this area by using Force Account Construction using qualified Tribal members. During construction season, approximately 27 people are employed at a rate of average \$20 per hour with 40 hour weeks.

Our Federal share of the TEA-21 allocation is severely cut back by the impact of the Obligation Limitation imposed by Congress. It is firmly believed that the Obligation Limitation should be seriously looked at by Congress and the Indian Reservation Roads should not fall under this limitation. We believe that the Trust Responsibility to American Indians should fall into this category whereby we should not be responsible for the debt the United States falls into. Our Reservations are the most neglected and poor in the United States and being the first citizens of the land we should be first in receiving priority assistance. Our roads and private lanes are in dire need of improvement. Our sick and elderly, need to have good reasonable access to receive medical, educational and food provisions.

The Crow Tribe realizes that the final Federal Regulations upon approval by Congress will be the Law. We, the Crow Tribe, request that Congress seriously look at the impact of the Obligation Limitation has on IRR Funding.

The Montana/Wyoming Tribal Chairmen's Association, of which the Crow Tribe is a member has issued resolutions and a copy is being attached which address the Large land based and large population tribes in Montana and Wyoming interests.

The Crow Tribe extends their appreciation to the Senate Committee on Indian Affairs, who ensures the best interests of the American Indian people of the United States. We feel sure that you will take into account all Tribal Comments and support us in our needs and recommendations.

Sincerely,

Clara Nomee

Crow Tribal Chairman

Enclosures



## Montana-Wyoming Tribal Leaders Council

207 North Brendway, Suitz BR-2, Bellings, MT 59101-1951 Phone (406) 252-2550 Fax (406) 254-6355 WWW http://dc.wtp.net

Resolution: 99-

# A RESOLUTION IN SUPPORT OF THE ELIMINATION OF THE "OBLIGATION LIMITATION" FOR THE INDIAN RESERVATION ROADS PROGRAM IN TEA 21

WHEREAS, The Montana-Wyoming Tribal Leaders Council (MWTLC) has been created for the expressed purpose of providing the Federally Recognized Tribes of Montana and Wyoming with a unified and collective organization and voice to address common issues concerning Indian people and Tribal Governments and to pursue resolutions pertaining to those concerns; and,

WHEREAS, the Montana-Wyoming Tribal Leaders Council is aware that the Transportation Equity Act for the 21st Century (TEA-21) has been signed into law by the U.S. President and subject the Indian Reservation Roads (IRR) funding to an obligation limitation established annually in the Department of Transportation appropriations bill; and,

WHEREAS, the Obligation Limitation thus far has eliminated over \$58 Million from the IRR program and will reduce it by an additional \$32 Million if the limitation is not removed in the FY-2000 appropriations act; and.

WHEREAS, this limitation will further reduce the IRR Program by an additional \$90 million if not removed in fiscal years 2002 and 2003; and

WHEREAS, this limitation is inconsistent with all prior Transportation Acts and seriously impacts the ability of Indian Tribes and the Bureau of Indian Affairs to provide American Indian people with safe and decent access to health care, education, employment, tourism, and economic development; now,

THEREFORE BE IT RESOLVED that the Montana-Wyoming Tribal Leaders Council hereby requests the U.S. Congress and U.S. Sesate remove the obligational limitation contained in TEA-21 for the IRR program in its deliberations for the FY 2000 and subsequent Department of Transportation Appropriations Acts.

#### CERTIFICATION

I, the undersigned, as Chairman of the Montana-Wyoming Tribal Leaders Council certify that the forgoing resolution was duly presented and passed by a vote of 8 for; 0 opposed; and 0 not voting, at a regularly called and duly convened meeting of the Council held this 19 of August, 1999.

Cold

Chalquan, MT-WY Tribal Leaders Council

Secretary, MT-WY Tribal Leaders Counc



## Montana-Wyoming Tribal Leaders Council

2(7 North Broadway: Sone BR-2, Brillings, MT 59101-1951 Phose (4M) 252-2550 Fax (4M) 254-6735 WWW fata MT was not

Resolution: 99-

# A RESOLUTION IN SUPPORT OF A RECOMMENDATION OF THE DISTRIBUTION FUNDING FORMULA FOR TEA-21

WHEREAS, The Montana-Wyoming Tribal Leaders Council (MWTLC) has been created for the expressed purpose of providing the Federally Recognized Tribes of Montana and Wyoming with a unified and collective organization and voice to address common issues concerning Indian people and Tribal Governments and to pursue resolutions pertaining to those concerns; and,

WHEREAS, the Transportation Equity Act for the 21\* Century (TEA-21) has provided only a modest increase in Indian Reservation Road funding after the reductions of about \$30 Million for obligation limitation and the \$13 Million for the bridge program, leaving about \$217 Million available for distribution to Indian Tribes; and.

WHEREAS, the Indian Reservation Roads (IRR) Negotiated Rulemaking Committee has been charged with the task of developing a new distribution formula for the IRR funds; and,

WHEREAS, many issues need to be taken into coesideration in order for a fair and equitable distribution method (to be developed) such as a clearly defined road systems with specific criteria which determines how the road system will be established, which roads it will include and how the system will be maintained and updated and roads must be inventoried to determine and relative need and the inventory must be uniform, standardized, reproducible and verifiable and updates must be verified and certified; and,

WHEREAS, developing a new distribution formula is going to be a time consuming and difficult task given that each Indian Tribe has its own needs and are at varying stages of their transportation improvement system; and

WHEREAS, an option for the IRR Negotiated Rulemaking Committee is to freeze the distribution funding formula allocation to each Area at the 1999 funding level for fiscal year 2000 through 2003; and,

WHEREAS, this would provide an opportunity for each Area to continue a variable construction program and would avoid pitting Tribe against Tribe and this would allow the Negotiated Rulemaking Committee to develop a new formula and openness, fairness, and without being constrained by pressure from their constituents to increase funding levels for their specific area; now,

THEREFORE BE IT RESOLVED that the Montana-Wyoming Tribel Leaders Council supports the recommendation to freeze the distribution funding formula for the Indian Reservation Roads Program to each Area at the FY 1999 funding level for fiscal years 2000 through 2003 so the Negotiated Rulemaking Committee can develop a fair and equitable formula for all Tribes and reservations.

Resolution 99-\_\_ Page 2

#### CERTIFICATION

I, the undersigned, as Chairman of the Mootana-Wyoming Tribal Leaders Council certify that the forgoing resolution was duly presented and passed by a vote of \$ for, 0 opposed, and 0 not voting, at a regularly called and duly convened meeting of the Council beld this 19\* of August, 1995.

Chargeman, MT-WY Tribal Leaders Council

1

Secretary, MT-WY Tribal Leaders Council

#### COMMENTS OF SAMUEL N. PENNEY

# CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE NEZ PERCE TRIBE

# ON INDIAN RESERVATION ROADS AND THE TRANSPORTATION EQUITY ACT IN THE 21<sup>st</sup> CENTURY (TEA-21)

On behalf of the Nez Perce Tribe, I would like to thank the Senate Committee on Indian Affairs for this opportunity to provide comments on TEA-21, the Negotiated Rulemaking process and its importance to transportation programs for Indian people.

As you have heard from others, the Funding Formula Workgroup of the Negotiated Rulemaking Committee has been unable to reach consensus on the fairest way to distribute funds under the Indian Reservation Roads program. Smaller tribes, such as the Nez Perce, believe that it is crucial that a new formula provide a more equitable distribution of available funds. The current formula is weighted towards funding for large tribes with an existing BIA road infrastructure, and the Nez Perce as well as many other smaller tribes have been left out as a result.

We also would like to point out that TEA funding may- and should-be used for transportation assistance for immediate and long range transportation needs, not just for road construction and maintenance. In the Nez Tribe our transportation department hopes to use funds for public transit programs, for scenic byways, for rail-to-trail projects, among others. It is important, as we enter the next millesnium, to view transportation funding as a means for much more than road and bridge construction but as a means to enhance the quality of life, safety, health, education and economic development for the Nez Perce people. Unfortunately, the BIA has often directed the funding only for upgrading its roads, even though we can find many other effective and creative uses for this money in support of all modes of transportation.

The Nez Perce Tribe would also like to point out that substantial administrative overhead costs to the TEA program could be saved by maintaining these finds at the federal level and having Tribes apply directly to the federal program for funding, rather than routing the money to the states where additional overhead costs are charged to the funding amounts.

One particularly important need of the Nez Perce Tribe is for funding to support transportation planning. The Nez Perce Tribe has received only a small amount of transportation monies for inventorying road transportation resources and some planning activities, and this

amount was inadequate for the job. A Nez Perce Tribe Transportation Plan should have been updated every five years by the BIA, but our last transportation and road inventory was completed in 1988. Twelve years without an inventory has left us with a huge updating task. Additionally, a national road inventory should be completed in order for all tribes' needs to be clearly documented and TEA-21 funds applied appropriately.

The BIA's use of its "6 percent management funds" from the IRR budget also has caused concern on our reservation. We would like to see a full accounting by the BIA of what management activities this money supports. If a tribe assumes a management role in a transportation project, the tribe should receive this money for its management activities. It is our experience that, even though a tribe may take management responsibility for a project, it does not necessarily receive the management funds it needs to carry out that responsibility.

The Nez Perce Tribe would like to see some portion of TEA 21 funding set aside for the needs of small tribes. Given the significant inequities in past funding-because of the current formula-small tribes have been unable to construct and maintain a badly-needed infrastructure of roads and bridges. A set aside would help to address this ongoing problem, and to help make up for years of extremely limited funding-or no funding at all-for small tribes.

Section 1102 of TEA-21 requires that approximately 10 percent of the Federal Lands Highways Program is redistributed to states for surface transportation projects. Holding back this so-called "Obligation Limitation" money for states deprives the IRR budget of significant funds which are desperately needed by Indian tribes. Last year alone, \$32 million was removed from the IRR budget, which in total was only \$275 million. The Nez Perce Tribe urges elimination of the "Obligation Limitation" set-off for states. Obligated monies should go to tribes and their transportation departments, not sent to the state or the BIA for decisions on how those fund should be sent.

Another major concern for the tribe is a lack of funding for bridges, due in part to the Federal Highway Administration's failure to distribute Bridge Replacement funding. The FHWA has withheld \$13 million last year and apparently will withhold the same amount this year, amounting to \$26 million which tribes could use to repair and replace dilapidated and even dangerous bridges. It is unconscionable to allow this fund to build up when there are so many obvious and critical needs for it.

The Nez Perce Tribe appreciates this opportunity to voice its concerns about TEA-21, negotiated rulemaking, and other issues related to federal funding of roads and bridges on Indian reservations. The Tribe urges this Committee to take all appropriate steps to assure that a more equitable funding formula is devised, that some set aside funds are made available to smaller tribes, that the "Obligation Limitation" funding mechanism is eliminated, and that Bridge Replacement money is immediately made available to tribes. Thank you for your attention to these important matters.

## TESTIMONY OF DUANE JIM RAY, PRESIDENT OF THE SENECA NATION OF INDIANS ON THE INDIAN RESERVATION ROADS PROGRAM AND THE TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY BEFORE THE SENATE INDIAN AFFAIRS COMMITTEE OCTOBER 20, 1999

I am Duane Jim Ray, President of the Seneca Nation of Indians. The Seneca Nation appreciates this opportunity to submit testimony for the record in the hearing held on October 20 by the Senate Committee on Indian Affairs regarding the Indian Reservation Road program ("IRR") and the Transportation Equity Act for the 21st Century ("TEA-21").

The Seneca Nation is pleased that this Committee continues to seek innovative ways to improve and strengthen the IRR program. The safety of Seneca families, our children and our Elders, continues to be at risk by the lack of adequate construction and maintenance funding for our road and bridge systems. As Chairman Campbell noted during the October 20 hearing, proper construction and maintenance of tribal roads and bridges is an absolute prerequisite to long-term, sustained economic development in Indian country. Tax incentives, HUB zones and job training programs cannot succeed in fostering and strengthening business development in impoverished Indian communities if businesses must contend with unpaved roads and unsafe bridges to provide services or get their products to market.

Funding Equity for the IRR Program. This Committee has already received testimony from many tribal leaders, transportation experts, the Bureau of Indian Affairs ("BIA") and the Federal Highway Administration ("FHWA") regarding the IRR program and TEA-21. Despite areas of disagreement, one constant fact emerges from this testimony -- the IRR program is badly underfunded and has been for decades. Further compounding this problem is the fact that the IRR program is unfairly funded.

The IRR program receives a disproportionately smaller share of federal dollars than other federally funded roads. Based on available information, we know that the IRR road system consists of more than 50,000 road miles. This figure, however, significantly understates the number of road miles on Indian reservations, as there has not been an updated and adequate IRR roads inventory. But even using this figure, while tribal roads are estimated to constitute 2.63% of all public roads eligible for TEA-21 funding, the IRR program receives less than 1% of TEA-21 funds for its entire operation — whether for transportation planning, road design, road construction or simple administration of the IRR program.

The situation is as bad, if not worse, for IRR maintenance funding. The BIA receives only \$25.5 million dollars per year for IRR road maintenance. As the BIA reported, this is less than \$500 per year for each mile of BIA-owned road. The BIA compared this \$500 figure to \$4,000 to \$5,000 per road mile spent annually by state transportation departments to maintain state roads and estimated that \$100 million dollars per year is needed to maintain BIA-owned roads adequately. In fact, recent figures from the Cornell University Roads Program place annual road maintenance funding at much higher levels for state and local governments -- \$4,900 per mile for municipal transportation departments and \$11,000 per mile for state transportation departments. In contrast, the Seneca Nation receives only \$24,100 in annual IRR maintenance funding to care for 56 miles of IRR roads on its three Reservations, only \$430 per road mile.

Increased funding for IRR road maintenance is essential. It simply makes no sense to spend millions of dollars to construct roads and bridges only to see them fall into disrepair and lose years of useful life due to a lack of adequate maintenance. The current \$25.5 million dollar appropriation for IRR maintenance is woefully inadequate. Without an increase in funds for regular road maintenance, we will — in the long run — end up spending much more to rehabilitate and replace these roads.

The lack of adequate funds for Indian Reservation roads creates a serious health and safety problem for over 7,000 Seneca Nation tribal members. We have had numerous traffic accidents including many serious injuries and fatalities on our Reservations over the last several years. The unmet transportation needs on our Allegany, Cattaraugus and Oil Spring Reservations are enormous. The Seneca Nation has been seeking funding for some of its highest priority road construction projects for well over a decade. Snow removal is a critical health and safety concern in our area. Unfortunately, the paltry maintenance funds we receive are wholly insufficient to perform this task safely or adequately.

Compounding this problem is the fact that the Seneca Nation often has difficulty persuading the State of New York and the local governments in our area to maintain properly the non-BIA owned roads serving our Reservations. The State and local governments often choose to fund road maintenance projects closer to non-Native areas.

As a tribal leader who must develop and work within realistic budgets, I understand there is not always enough money to pay for every necessary project or program. However, the First Nations of this great country deserve, at a minimum, simple fairness and equity in federal transportation funding. Our tribal members contribute tax money to the Federal Highway Trust Fund with every gallon of gas they put in their cars. They are entitled to receive their fair share of federal transportation dollars in return.

The Seneca Nation urges Congress to increase funding for the IRR program to, at a minimum, 2.63% of the TEA-21 appropriation. This funding increase is necessary to place IRR roads on the same financial footing as other public roads under TEA-21.

Obligation Limitation and the 1% Bridge Program Set Aside. There is a measure which Congress can take immediately to help reduce the IRR funding shortfall. We urge Congress to amend TEA-21 to correct what appears to have been two unintended changes to the IRR program which resulted from passage of the Act.

First, TEA-21 made the so-called "obligation limitation" applicable to IRR funds for the first time. The "obligation limitation" requires the FHWA to withhold a certain percentage of FHWA program funds authorized to be spent from the Federal Highway Trust Fund so that they can be redistributed to high priority FHWA projects or eligible program participants at the end of the fiscal year. Some federal highway programs, such as the Emergency Relief Program and the Minimum Guarantee Program, are statutorily exempt from this process. The IRR program has traditionally been exempted from the obligation limitation. Unfortunately, however, TEA-21 did not continue this exemption for the IRR program. This is a very significant and costly change to the IRR program which — from all information — was not a deliberate policy choice by Congress.

Compounding this error, TEA-21 does not include Indian tribes among the list of FHWA program participants eligible to receive redistributed highway funds withheld during the obligation limitation process.

Because of this, millions of dollars of IRR funding is now withheld from Indian tribes and redistributed to states or other eligible recipients every year. For example, in FY 1998, Indian tribes lost roughly \$25 million from the \$225 million dollar IRR funding allocation. In FY 1999 tribes lost approximately \$32 million. If this oversight is not corrected, millions more will be lost to tribes in future years. The Seneca Nation appreciates Senator Wellstone's comments at the oversight hearing which recognized that the problem was created by Congress and must be fixed by Congress.

Second, TEA-21 eliminated the 1% funding set-aside for the Indian Bridges program and required that future funding for the rehabilitation and replacement of bridges in Indian country come from within the IRR program itself. The effect of this change was a \$13 million dollar funding reduction to the IRR program every year. During the term that ISTEA was in effect, from FY 1991-1997, the Seneca Nation directly benefitted from the Indian Bridges program because it brought critically needed bridge construction, rehabilitation and replacement to our area. With the loss of the Indian Bridges program, we are deeply concerned that these critically-needed bridges will once again fall into disrepair and become unsafe.

These two statutory changes in TEA-21 combine to result in \$45 million dollars in IRR program funding reductions on an annual basis, well over half the \$85 million dollar in annual funding increases Indian tribes thought they would receive when TEA-21 was first enacted.

The Seneca Nation urges this Committee to work to enact technical amendments to TEA-21 as soon as possible to restore funding for the Indian Bridge program and to stop the diversion of IRR funds away from Indian country, where it was first intended and is so critically needed. The Seneca Nation also calls on Congress to restore the IRR funding lost in prior fiscal years due to these changes caused by TEA-21, as it was first enacted.

TEA-21 Negotiated Rulemaking Committee. The Seneca Nation of Indians fully supports the work of the TEA-21 Negotiated Rulemaking Committee. Our own Transportation Manager, Ms. Jody Clark, ably serves as a tribal representative for the Eastern Area on the Rulemaking Committee and also serves on the TEA-21 Policy Workgroup. As other witnesses testified during the October 20 hearing, tribal representatives on the Committee were greatly frustrated early on in the process, both by the time it took for the BIA and FHWA to get the Committee up and running and by the BIA's initial reluctance to sign the rulemaking protocols. However, we are very pleased that the Committee is moving forward with the important tasks assigned to it by Congress, and the Seneca Nation is committed to seeing the rulemaking process completed as fairly and as expeditiously as possible.

I understand that productive drafting of IRR program regulations and good faith bargaining is proceeding in most Workgroups and on most issues. I am also aware of three areas of significant disagreement which we wish to bring to the Committee's attention. I briefly address each in turn.

Relative Needs Funding Formula. Many witnesses have testified about the
Committee's current difficulty in developing a new "relative needs" funding formula.
The reason the issue is so hard to resolve is plain. Indian tribes have been asked to do
the politically and practically impossible -- divide funding that is woefully inadequate to
begin with. It is simply impossible to ask elected tribal leaders to give up scarce IRR
funding to other tribes voluntarily when the unmet transportation needs of their own
tribes are so great.

We are certain that all tribal governments, large and small, wish to see other tribes be in a position to meet the transportation needs of their people. But, as stated above, the first and best answer to the problem is to increase IRR funding to reflect a fairer percentage the total TEA-21 allocation so that all tribal governments can do this. Without adequate funds, no allocation among the tribes will be sufficient to meet the needs of any tribe.

2. BIA's "Not to Exceed 6%" Administrative Funds. The Seneca Nation wholeheartedly approves of Chairman Campbell's October 29, 1999 letter to the Comptroller of the United States asking that the Government Accounting Office ("GAO") conduct a study accounting for the BIA's use of the 6% administrative funds and inquiring into the BIA's statutory authority to deduct additional "projected related" costs to manage the IRR program. The Seneca Nation has become increasingly concerned about the amount of IRR funds the BIA retains for IRR program management expenses and the actual uses it makes of these funds.

Indian tribes fought hard for the statutory changes in TEA-21 precisely because the BIA and FHWA repeatedly frustrated their efforts to enter into self-determination contracts under the IRR program. As our attorneys have advised us, the statutory changes in TEA-21 make clear that tribes have a right to receive an equitable share of these 6% funds to administer their own tribal IRR projects and programs under self-determination contracts, if they so choose. Tribes expect both accountability from the BIA and a fair share these 6% administrative funds. The same can be said for the FHWA's use of its "not to exceed 1.5%" of IRR funds to cover its own administrative costs.

Unfortunately, BIA and FHWA negotiators on the TEA-21 Rulemaking
Committee have displayed no flexibility on the 6% issue so far in the negotiations.

Despite the clear statements in the law, the BIA has indicated no willingness to part with any of the 6% funds. The BIA has even suggested it is entitled to continue withholding the "project related" program management costs in addition to the 6% funds. As Chairman Campbell indicated in his comments to the BIA and in his October 29 letter to the Comptroller, no statutory support exists for the BIA's position.

Chairman Campbell's request for a GAO study is a positive step toward BIA accountability on the 6% funding issue. We would also recommend that the GAO study be expanded to include the FHWA's use of its "1.5%" administrative funds. This information will help the Committee, members of the TEA-21 Negotiated Rulemaking Committee and tribal governments around the country evaluate whether the BIA and FHWA are withholding excessive amounts of IRR funds for their own administrative purposes.

In addition, we seek this Committee's support in convincing Assistant Secretary Gover to change the BIA's current position on the 6% funding issue both during the TEA-21 rulemaking process and in contract negotiations with individual tribal governments. The presumption must be that all IRR funds are available, in the first instance, to the Indian tribes themselves according to their own "relative need" funding allocation. The BIA and FHWA must provide a clear and compelling reason for withholding any IRR funds, including 6% administrative funds, from tribes wishing to operate IRR projects or programs under contracts. All IRR funds should be made available to tribes for contracting purposes, as required by law.

3. Advance Payment of IRR Funds. A similar problem exists with the FHWA's recently announced position on the availability of advanced funding for tribes operating IRR projects or programs under self-determination contracts. Tribal governments fought hard for language in TEA-21 which makes clear that "[n]otwithstanding any other provision of law or any interagency agreement or program guideline, manual or policy directive," all IRR funds must be made available to Indian tribes "in accordance with" the ISDEAA. See TEA-21 section 1115.

As our attorneys advise us, Title IV of the ISDEAA requires that self-governance compacts and annual funding agreements "shall provide for advance payments to the tribes in the form of annual or semi-annual installments at the discretion of the tribes." 25 U.S.C. 458cc(g)(2). The self-determination regulations also plainly require that the BIA provide advance funding to tribes performing construction contracts on at least a quarterly basis. See 25 C.F.R. 900.132. In other words, quarterly advance payments are the minimum amounts authorized by law for self-determination construction contracts, but the BIA and contracting tribes are free to negotiate an advance payment schedule on terms even more favorable to the tribes. We understand that several tribes around the country have received large lump sum advance payments for IRR road construction projects and have used these funds prudently and appropriately.

Further, it makes sense to transfer scarce IRR funds into an Indian tribe's special IRR program account as soon as possible so that the money can begin drawing interest, and the tribe can better manage IRR planning, design, construction and maintenance activities. There are already many statutory and accounting protections in place, up to and including the threat of criminal prosecution, which would prevent a tribe from misusing or misapplying these funds away from their intended purpose. It is contrary to the long-standing policy of tribal self-determination for federal bureaucrats within the BIA or FHWA to believe that tribes cannot be trusted to safeguard these funds or use them appropriately. Self-determination and self-governance tribes have been receiving hump sum advance payments for years to do everything from run hospitals to operate

housing programs, all without problems or controversy. There is nothing special or different about the IRR program which suggests tribes cannot be trusted to behave the same way when building or maintaining their tribal road system. The President, Assistant Secretary Gover and the members of Congress have all recognized that the federal policy of tribal self-determination and self-governance has been the most successful federal Indian policy in our Nation's history.

But despite Congress' plain words and the President's clear direction to promote tribal self-determination and sovereignty, on October 29, 1999, the Federal Lands Highway Division in FHWA sent a letter to Assistant Secretary Gover stating that FHWA would "continue to allow the use of advance payments in the IRR program" but only under strict FHWA-created guidelines and procedures. The FHWA has no choice but to "allow" advance funding, and it has no authority to impose its own internally-created limits on a tribe's right to receive advance funding. The legal analysis and conclusions expressed in this letter are flatly contrary to the statutes and regulations cited above, and the letter itself represents a major step backward for tribal contractors and compactors.

The timing of this letter is also truly remarkable. It was issued just a few days after the FWHA testified at the oversight hearing and generally received praise from this Committee for FHWA's faithful implementation of TEA-21. Unfortunately, the position expressed in the letter completely ignores TEA-21's mandate that IRR funds are fully subject to the mandates of the ISDEAA. The FWHA also testified before the Committee that the agency was committed to working in close collaboration and cooperation with Indian tribes and would soon be issuing a formal policy on the matter. Yet, the FWHA's advance funding letter was created in secrecy and with absolutely no tribal consultation. I enclose this letter with this testimony for the Committee's information.

Federal negotiators on the Rulemaking Committee should be striving to read TEA-21 in a manner that favors the position taken by tribal negotiators if at all possible. The BIA and FHWA's position concerning the availability of 6% funds and advance funding shows that just the opposite has occurred in these instances. We are hopeful that upon further reflection and additional legal analysis, the FHWA will shortly withdraw from the advance funding position stated in the October 29 letter. We will continue to look to this Committee to help tribal negotiators ensure that the BIA and FHWA negotiators live up to the letter and spirit of TEA-21 and the ISDEAA during the TEA-21 negotiated rulemaking process.

Seneca Nation concerns with the BIA-Eastern Area Roads Division. The Seneca Nation has had problems working with our BIA-Eastern Area Roads Division. The Nation has now successfully performed several IRR construction projects under self-determination contracts with the BIA. Unfortunately, it often feels like we have been successful in spite of the BIA. Rather than receiving support, encouragement and competent technical advice and assistance in performing these self-determination contracts, the Nation's staff has often been told incorrect information or received advice that later proved to be false or contrary to the law. Further, BIA staff in the Eastern Area Roads Division have often behaved in an unprofessional manner in dealing with our staff, refusing to return telephone calls or behaving rudely or unresponsively during interactions on road projects — in some instances even exhibiting a shocking lack of concern for the safety of our people.

For example, one Eastern Area Roads program engineer advised our Transportation Manager of the need to complete all the Nation's road condition ratings in just a few weeks. When our Transportation Manager expressed concern that the deadline would not give her sufficient time to do a safe and proper job, the engineer told her "to just do them from [her] desk" because "it really doesn't matter." We were shocked that a BIA engineer would be so casual about a matter as essential to public health and safety as the physical condition of our tribal road system. Of course, our Transportation Manager ignored this advice and did the job properly, but the incident has left us very concerned about what the Area Office does when they perform their own work on behalf of the Indian tribes in the Eastern Area.

Another example of a problem we have experienced with the Eastern Area arises from their implementation of the ISDEAA. The Eastern Area office developed a "standard" contract for roads, which is deficient in several significant ways. As mentioned above, the ISDEAA and the regulations require the BIA to create a "schedule of advance payments" for these contracts. However, the BIA-Eastern Area Roads Division offered us only a progress payment system in all our contracts. The ISDEAA also requires that tribes be allowed to keep "savings" on cost reimbursement construction contracts to "be used to provide additional services or benefits under the contract." 25 U.S.C. 450j-1(a)(4). However, the cost reimbursement construction contracts offered to the Seneca Nation all contained express provisions requiring us to pay these savings back to the BIA.

In fact, in one case, the BIA "accidentally" sent us an advance payment but then immediately demanded that we pay the money back. It later required us to pay back \$132,000 in savings as a condition of closing out the contract. These savings resulted from the Nation's efficient performance of the construction contract. By law, we should have been permitted to keep these saving to provide additional services under the contract. Now that we are aware of these legal requirements, we plan to ask the BIA to

return these funds to us. We also plan to amend our contracts so that they comply with the law in the future.

These are just a few examples out of many where the BIA-Eastern Area Roads Division has been negligent or has advanced its own interests at the expense of the Seneca Nation.

We urge this Committee and Congress to support the tribes efforts to make the BIA more responsive to tribal needs. We also believe that to improve the situation, tribes should be given greater flexibility in choosing who to negotiate with in concluding self-determination construction contracts. We are aware that some BIA Area Roads divisions have been quite helpful and supportive of tribes performing self-determination construction contracts. They have actually been a help not a hindrance to contracting tribes. If it is possible, tribes should be allowed the freedom to contract with these more helpful Roads divisions or with BIA Headquarters if they so choose. If choosing the option of working with BIA Headquarters, the tribe's "relative need" funding allocation could be retained by BIA Headquarters, at the direction of the tribe. By permitting these options for tribes, the BIA Roads department would become more efficient and more responsive to tribal interests.

FHWA Reassumption of the IRR Program. Several tribal witnesses testified that Indian tribes might be better served if the IRR program was directly managed by the FHWA. While I understand the frustration felt by these tribes in working with the BIA on IRR matters, I am concerned that this proposal might have unintended, negative consequences for tribes. As the "advance funding" letter indicates, the FHWA does not always take positions that are in the best interest of Indian tribes. The quality of support services and technical advice provided to tribes also depends greatly upon the training, competence and individual personalities of the federal employees involved. Although our experience working with the BIA-Eastern Area Roads Division has not been good, we are aware of many BIA employees who are truly supportive of tribal selfdetermination and have been a great asset to tribes over the years. The BIA has much more experience working with tribes and implementing the ISDEAA. BIA employees are most often tribal members themselves and are more understanding of our culture and traditions. It is not clear to me that the FHWA would be more responsive to tribes or more efficient in administering the IRR program. The initial costs of such a transfer could also be quite significant.

Similar to the proposal mentioned above, the Seneca Nation instead supports an amendment to the ISDEAA which would allow tribes to contract or compact for their share of the IRR program directly with the FHWA and the Secretary of Transportation. The IRR funds associated with these FHWA-administered contracts or compacts would not be transferred to the BIA or used in calculating the BIA's 6% administrative funds. This change in the law would empower tribes, but it would not dictate any particular solution to them.

Tribes should be allowed the freedom to contract or compact with BIA-Area Road divisions, BIA Headquarter or the FHWA, as they so choose. By creating competition in this way and by having IRR funds flow to the most efficient agencies and offices, the BIA and FHWA would become more responsive to tribal interests and more accountable for their own actions. This proposal will foster tribal self-determination and, like all healthy competition, it will promote greater efficiency within both agencies.

On behalf of the Seneca Nation of Indians, I thank the Committee for this opportunity to provide the views of the Seneca Nation on these important transportation matters.



400 Seventh St., S.W. Washington, D.C. 20500

OCT 2 9 1999

Refer to: HFPD-5

The Honorable Kevin Gover
Assistant Secretary for Indian Affairs
U.S. Department of the Interior
Bureau of Indian Affairs
1849 C Street, NW.
Washington, DC 20240

Dear Mr. Gover:

This letter is in response to Mr. LeRoy Gishi's (Chief, Division of Transportation, Bureau of Indian Affairs (BIA)) request that we reevaluate our position on advance payments for the Indian Reservation Roads (IRR) program that was defined in our July 1, 1996, letter in light of the Transportation Equity Act for the 21° Century changes to the IRR program and the regulations issued by you for Public Law 93-638. After review and consideration of bealth and safety, program oversight and delivery, we are pleased to advise you that we will continue to allow the use of advance payments in the IRR program based on Tide 23, United States Code (23 U.S.C.) 121, 124 and 201; and Public Law 93-638 sections 105(h), 108(c) model agreement section 1(b)(6), and 403(g)(2) as outlined in this letter. Title 23, U.S.C. 201 subjects the IRR program to all provisions of 23 U.S.C. The 23 U.S.C. 121 provides for payment of construction work as provided for in the approved plans, specifications, and estimates (PS&E) and project agreement. Section 124 provides for advance payment of funds when certain conditions are met.

Under two previous negotiated rulemakings with Indian tribal governments, you issued payment section 900.132 for self-determinations contracts under Title 1 of Public Law 93-638 and proposed section 1000.356 (NPRM. February 12, 1998) for self-governance compacts under Title 4 of Public Law 93-638. We evaluated their adequacy for use in the IRR program. We also considered the two 25 Code of Federal Regulations (C.F.R.) section 900.125 and the proposed section 1000.223 that address construction requirements including health and safety to see if they are consistent with 23 U.S.C. 106 and 109 and their affects on making advance payments. The 23 U.S.C. 106 contains the requirement that PS&E are prepared for each construction project and that a project agreement is developed based upon the approved PS&E. The 23 U.S.C. 109 contains the requirement that the PS&E must meet design, safety, and construction standards. We did not see any major areas of disagreement among your regulation sections and our 23 U.S.C. sections.

Since there are different advance payment provisions for self-determination contracts, section 108 self-determination contracts or grants, and self-governance compacts, our advance payment position is different for each type of agreement. In addition, there are two IRR program requirements involving the approval of the IRR activity or projects that affect advance payments. These approval requirements are defined in 23 U.S.C. 106(a)(2) and 204(a)(3) (A copy of all referenced Title 23 sections is enclosed.)

You are authorized to make advance payments using IRR funds as follows:

### Title J. Section 108. Self-determination Contract or Grant

After we have approved the IRR Transportation Improvement Program (TIP) and you have entered into a self-determination model 108 contract or grant with a tribal government or consortium for non-construction activities:

- You can make advance or lump sum payments for transportation planning as outlined in model agreement section 1(b)(6).
- b. You can make advance payments for the construction engineering for the IRR, project(s) as outlined in model agreement section 1(b)(6), after the PS&E are approved in accordance with the appropriate IRR stewardship agreement.

#### Tide 1. Self-determination Construction Contracts

After we have approved the IRR TIP and you have entered into a self-determination construction contract with a tribal government or enesertium:

- a. You can make advance payments for transportation planning as outlined in 25 C.F.R. 900.132. A lump sum advance payment can be made if all of the work is scheduled to be performed within 90 days or the amount is less than 55,000.
- You can make advance payments for the design of the IRR project as outlined under 25 C.F.R.900.132.
- c. You can make advance payments for the actual construction of the IRR project as outlined under 25 C.F.R. 900.132 after the PS&E have been approved. This means that the estimated construction amount is not to be included in the quarterly payments until the PS&E is approved in accordance with the appropriate IRR stewardship agreement. A lump sum advance payment can be made if all of the construction work is scheduled to be performed within 90 days.

d. You can make advance payments for the construction engineering for the IRR project as outlined under 25 C.F.R. 900.132 after the PS&E are approved in accordance with the appropriate IRR stewardship agreement. This means that the estimated construction engineering amount is not to be included in the quarterly payments until the PS&E are approved in accordance with the appropriate IRR stewardship agreement. A lump sum advance payment can be made if all of the work is scheduled to be performed within 90 days.

#### Title 4, Self-governance Compacts

After we have approved the IRR TIP and you have entered into an annual funding agreement with a tribal government or consortium:

- You can made advance payments for transportation planning as outlined in 25 C.F.R. 1000.356.
- You can make advance payments for the design of the IRR project as outlined the under 25 C.F.R. 1000.356.
- c. You can make advance payments for the actual construction of the IRR project as outlined under 25 C.F.R. 1000 356 after the PS&E are approved in accordance with the appropriate IRR stewardship agreement.
- d. You can make advance payments for the construction engineering for the IRR project as outlined in the proposed 25 C.F.R. 1000.356 after the PS&E are approved in accordance with the appropriate IRR stewardship agreement.

In summary, the two regulations (25 C.F.R. 900.132 and the proposed 1000.356) and the section 108 model agreement section 1(b)(6) can be used to make advance or lump sum payments as discussed above as long as the two Title 23 requirements [106(a)(2) and 204(a)(3))] are met. We hope this letter clarifles our position on advance and lump sum payments in the IRR program. If you have any questions, please contact Mr. Paul R. Los at (202) 366-9480.

Sincerely yours,

Arthur E. Hamilton, P.E. Program Manager, Federal Lands Highway

#### 2 Enclosures

cc: Mr. LeRoy Gishi, Chief, Division of Transportation, BIA Mr. Pat Patterson, Office of the Solicitor, U.S. Department of the Interior

## SUMMIT LAKE PAIUTE TRIBE 655 Anderson Street Winnemucca, NV 89445

Rabert San, Tribal Chabrana Rabya Surdella, Vice-Chabpanan Lamaba Malana, Suradan/Transca Aurel Gillemann, Council Humber

Written Testimony for the Senate Committee on Indian Reservation Roads and the Transportation Equity Act for the 21st Century

The Summit Lake Paiute Tribe is located in a remote portion of Humboldt County in the upper northwest corner of Nevada. The reservation consists of 12,573 acres or 19.6 square miles. Although it fluctuates in size from year to year, the 600-acre lake for which the reservation is named is located roughly in the middle of the reservation.

The majority of land adjacent to the reservation is managed by the Bureau of Land Management (BLM). The Lahontan Cutthroat Trout State Natural Area, a 5,027-acre conservation easement that was transferred from Soldier Meadows Ranch to the BLM, is directly adjacent to the east boundary of the reservation. Another conservation area, the Sheldon National Wildlife Refuge, is located northwest of the reservation and covers approximately 1/2 million acres.

At this time, access to the reservation is severely limited due to constantly changing weather conditions and subsequent roadway deterioration. The resulting roadway system is unpredictable in nature and has historically hindered permanent occupancy, as well as the maintenance and operation of tribal facilities and fishery operations, at the Summit Lake Reservation. The Summit Lake Paiute Tribe is considered a small Tribe.

The reservation access during winter months and other times of the year becomes unstable. Tribal members desire, however, to access and reside on their reservation lands. The reservation roadway system must be improved before this goal can be accomplished.

In addition to these Tribal concerns, the reservation road system also provides a transportation link of regional significance. The primary route of travel from Gerlach area (through the Black Rock Desert) (southern access) to the Denio area (northern access) and the Sheldon National Wildlife Refuge (west/ north access) runs through the reservation. As a result, the reservation experiences hunting, tourist, and general traffic generation in addition to the Tribal traffic.

While Humboldt County is responsible for the condition of these roads and maintenance up to reservation boundaries, the County has no jurisdiction or obligation to conduct maintenance activities on the portions of road that travel through the reservation. Historically the BIA, and in recent years the Summit Lake Painte Tribe under the Indian Self-Determination Act, has been responsible for this maintenance. Funding and priority concerns, however, have not allowed for the adequate maintenance of this road system. The Tribe receives only \$3,300.00 per year for roads maintenance.

Heavy snows and rainfall in 1998 & 1999 resulted in flooded reservation roads and closed the only access route for points south and north. Travelers attempting to circumnavigate this intersection either became stranded or begin to cut new roadways into the surrounding areas, many of which consist of wetland habitats. The situation results in extreme environmental degradation and safety hazards. Exacerbating this safety issue is that travelers are motivated to attempt passing through this flooded area, even when signed and closed to travel. By the time travelers reach this segment of road they have already traveled nearly seventy miles of gravel roads and getting past this intersection is the only way to continue on toward either Denio or Gerlach (Black Rock Desert).

The Tribe has recently applied for Emergency Relief for Federally Owned Roads, only after learning of this program through the brochures on TEA 21. When efforts where made to request the Bureau of Indian Affairs Roads personnel to assist in this metter, the Tribal Chairman and Vice Chairperson were met with disregard from the Area Roads Engineer because it was felt that the Tribe would not qualify for this type of funding. The Tribe did, however, pursued the issue

and is working with Federal Highway in getting information together to support our ERFO project. There has been little effort by the Bureau of Indian Affairs Phoenix Area office to initiate or assist in this process.

The BIA is the primary source of funding for revervation roadway maintenance and construction. Road construction funds are primarily provided to tribes through the project distribution process and the relative needs formula. Considering the factors in the relative need formula, the Summit Lake Paiute Tribe is currently at a great disadvantage for receiving funding because of poor qualifiers in the relative needs formula including a low population, low average daily traffic, and lack of transportation planning reports (identifying cost to improve estimates, updated road inventories and current vehicle miles traveled data). As a result, funding for the Tribe based on the current relative need formula has not proved adequate to date, especially for routine maintenance, and construction dollars. The Tribe has historically received little or no funding for road construction. In the past twenty years, the Tribe only received funds in 1998 for a 2 percent planning grant of approximately \$55,000 00 and was credited for Bureau of Indian Affairs oversight costs for archaeological work at approximately \$50,000.00, unbeknownst to the Tribe until recently.

As a result of the 2 percent planning grant, the provision of cost to improve estimates may improve but other factors, such as low population and VMT will continue to hurt the Tribe's chances for adequate funding under the current relative need formula.

The Summit Lake Paiute Tribe was fortunate in getting a representative on the Negotiated Rulemaking Committee, however, this process is hurt by the fact that there is not sufficient dollars in the Indian Reservation Roads program to fund the transportation need in the Nation. The Tribe's are pitted against each other in this process and it has become a difficult task to "cut an already too small pie". Change is difficult and for those tribes who are just getting their transportation needs barely met, to add more tribe's under a new formula will only create hardship. A new formula is needed and more funding to support it. Thank you.



Intertribal Transportation Association

President «Everett Waller, Osage Nation
Vice President «Alfred Yazzie, Navajo Nation
Secretary/Treasurer « George Wallace, Comanche Nation
Executive Director «David McKinney, Muscogee Creek Nation

Joe Sait Maraje Nation

Bruce Dundorth Coulds Tribs

Edward Johnstone, Jr. Quincit Indian Nation

Hartey Steamed Cherokes Nation of Ottobars

John Hosty Fort Belland Community

Judy Clark Sesson Hadina of Indian

Pete Bad Tamakawi Standing Rack Stews

Gove Tribe of Outstone

Herbert Tate White Mire. Apache Trille

Alfred Kemier, Sc. Tenom Chiefs Conference Inc.

Refert Helicay Winter Press Statement of
Everett Waller, President
Intertribal Transportation Association
for the
Benate Committee on Indian Affairs
Oversight Hearing on Indian Reservation Roads
and the
Transportation Equity Act of the 21st Century
October 20, 1969

On behalf of the Intertribal Transportation Association (ITA), I am pleased to submit the following statement on issues related to the implementation of the Indian Reservation Roads and the Transportation. Equity Act of the 21st Century (TEA-21) programs. The ITA is a national non-profit organization representing Indian tribes on transportation issues at the national level. Based in Stillwater, Oklahoma, ITA has a membership of over 90 federally recognized tribes, representing various geographic regions and both small and large tribes. It has been estimated that tribal roads constitute 2,63 percent of all roads eligible for TEA-21 funding. Collectively our membership represents approximately 75 percent of the entire 51,000 miles in the BIA roads inventory annual Indian Reservation Roads funding.

The ITA organized and conducted a series of Town Hall meetings during which the BIA and the Federal Highway Administration (PHA) obtained information and recommendations from Indian tribes on reservation transportation policy and needs. Many ITA members are on the TEA-21 negotiated rulemaking Committee and have participated in the rulemaking sessions. During the course of our administration of the town hall meetings

National Headquarters = 2224 West 7th Place Suite 1 Stillwater, OK 74074-1927 = Phone : 405-372-0202 = Fax: 405-372-0808 Intertribal Transportation Association Statement November 3, 1999 Page 2

and involvement in the rulemaking sessions, the following issues have consistently been of greatest concern to tribes.

Obligation Limitation. As Assistant Secretary Gover's Report on Tribal Priority Allocations indicates, and as the tribes can readily attest, funding for Indian reservation roads is weefully inadequate. You will note that the Bureau estimates Indian reservation roads construction needs at \$6.6 hillion. Yet, in spite of the efforts of some members of Congress, tribal funding under the Indian Reservation Roads (IRR) program has lost ground under TEA-21.

First and foremost, enactment of TEA-21 made applicable to Indian Reservation Roads funds, for the first time, the "obligation limitation," which will result in a certain amount of funds not being available to tribes but instead reallocated to the states. Although the obligation limitation requires the FHA to withhold a certain percentage to be redistributed closer to the end of the fiscal year among recipients with projects ready for funding, TEA-21 does not include tribes among those eligible to receive such redistribution. This obligation limitation will cause tribes to lose \$18.3 million in FY 2000 appropriated funds.

Additionally, TEA-21 also eliminated the one percent set-aside for the Indian Bridges program and required that funding for the rehabilitation and replacement of bridges in Indian country come from within the IRR program. Therefore, in spite of the hard-won general increases, the net loss for FY 2000 due to the obligation limitation and loss of the one percent setaside is estimated at \$45 million.

We respectfully request that the Committee support and work toward ensuring that IRR funds are, once again, not subject to the obligation limitation so that tribes may receive 100 percent of the much needed funds provided under TEA- Intertribal Transportation Association Statement November 3, 1999 Page 3

21. ITA fully supports and endorses the intent of the proposed amendment to TEA-21 that the Red Lake Bund of Chippewa Indians submitted to the Committee along with Chairman Whitefeather's testimony on October 20, 1999. We urge the Committee to make every effort to enact this or a similar amendment as soon as possible to stop the diversion of IRR funds away from the great needs in Indian Country.

BIA Program Management Funds. Tribes have become increasingly concerned about the Bureau's accountability for and the amount of IRR funds retained by the BIA for program management costs. As you know, the Bureau is authorized to utilize up to six percent of the FHA Indian roads construction funds for administration and management activities. The BIA has historically retained the full six percent for its use but has never reported on what these funds are used for. The BIA recently took a positive step toward accountability. Approximately one month ago the Assistant Secretary-Indian Affairs directed that an initial 50 percent of the Program Management and Oversight funds be distributed to each region and that additional funds will not be released until each region submits a budget justification approved by the Deputy Commissioner of Indian Affairs.

The steps are not sufficient, however. ITA, believes strongly that the Committee should request the General Accounting Office conduct a study or audit of how the BIA's Area Offices have expended the six percent management and administration funds that the Agency has withheld for the past several years. Such a study and/or audit should also seek to determine the method, if any, by which the BIA determines whether the total six percent should be withheld, and the manner in which such funds are expended. This information will help the Committee and ITA's members evaluate whether the BIA is withhelding an appropriate amount of funds and whether they are being spent in the most effective manner possible. In addition, our members firmly believe that TEA-21 mandates the availability for contracting and compacting all

Intertribal Transportation Association Statement November 3, 1999 Page 4

Highway Trust Funds transferred to the BIA, and any study should require that the BIA provide its rationale for withholding any amount of IRR funds from contracting or compacting.

FHA Management of IRR Program. Several tribal representatives who testified on October 20, 1999, expressed the view that the tribes would be better served if the IRR program was directly managed by the FHA. Some of the reasons for this recommendation are that, currently, the flow-through of FHA funds via the Bureau results in less IRR dollars to the tribes (due to the six percent off the top to the BIA for the aforementioned program management); direct management by the FHA would likely decrease the bureaucratic steps in the contracting process; and, the FHA is "expert" in transportation matters, whereas within the Bureau transportation is only one of many programs which the BIA oversees. ITA will consult with its member tribes regarding the transfer of the IRR program to FHA and intends to provide additional comment thereafter.

Negotiated Rulemaking Process. As other tribal witnesses testified on October 20, 1999, tribal representatives on the rulemaking committee have been greatly frustrated that it took eight months to get the TEA-21 negotiated rulemaking committee up and running. More importantly, organizational and logistical difficulties have contributed to the Rulemaking Committee not being further along in its efforts. We are hopeful that the decision to conduct all remaining negotiated rulemaking sessions in Albuquerque, New Mexico will aid in having all necessary materials and data readily available to facilitate the workgroups' efforts, and that adequate support staff will be available to facilitate the Committee's work.

On behalf of the Intertribal Transportation Association, thank you for the opportunity to provide our views on the implementation of Indian Reservation Roads and TEA-21. We look forward to working with you to identify and address the transportation needs of Indian tribes.



#### SQUAXIN ISLAND TRIBE

WRITTEN TESTIMONY OF ROBERT WHITENER, JR, EXECUTIVE DIRECTOR FOR THE SQUAXIN ISLAND TRIBE SUBMITTED TO THE SENATE COMMITTEE ON INDIAN AFFAIRS

ON THE
OVERSIGHT HEARING ON INDIAN RESERVATION ROADS AND THE
TRANSPORTATION EQUITY ACT FOR THE 21<sup>st</sup> CENTURY (TEA-21)

OCTOBER 20, 1999

The Squaxin Island Tribe of Washington State thanks the Senate Committee on Indian Affairs for the opportunity to submit written testimony regarding the Indian Reservation Roads Program.

#### Summary of Testimony:

Under TEA-21, Congress required the Secretary of Interior to apply negotiated rulemaking to establish a formula to allocate funding among Indian tribes in fiscal year 2000 and beyond and to issue regulations governing the Indian Reservation Roads Program. In the 16 months following promulgation of TEA-21, the Secretary has failed to establish a process which will lead to meaningful negotiation, or which will ever deliver a funding formula and regulations for Indian reservation roads. Further, it appears that this will not occur unless the Secretary is compelled to abide by the intent of Congress under TEA-21.

#### Statement of Concerns and Recommendations:

1. Fallure to establish a funding formula and to issue regulations for fiscal year 2000.

The Secretary failed to establish a formula for fiscal year 2000 and issue final regulations by April 1, 1999 as required by TEA-21. The Secretary now proposes to allocate funds among Indian tribes for fiscal year 2000 in the same manner as in fiscal year 1999. Such a funding distribution is unacceptable to the majority of Indian tribes because it is neither the product of government-to-government negotiations with tribes nor is it based on the relative transportation needs or the relative administrative capacities of and challenges faced by various Indian tribes.

Recommendation: Until such time that the required formula and regulations are issued, require the Secretary to set aside 25% of all funds appropriated for Indian reservation roads in fiscal year 2000. Distribute these funds as a minimum apportionment to all Indian tribes who had no allocation or received no project obligation, excepting 2% planning, between 1992 and 1999. Conceptually, this is similar to the allocation formulas used in nearly all Highway Trust Fund distributions to state transportation programs that guarantee a minimum base level of funding. The following proposals which were tabled by the Rulemaking Committee embody this minimum apportionment concept. (Attached):

- Resolution No. 99-86 of the Squaxin Island Tribal Council dated September 23, 1999;
- Proposal for Interim Funding Formula Distribution developed and signed by a group of Concerned Tribal Representatives to the TEA-21 Negotiated Rulemaking Committee on Sept. 16, 1999;
- Resolution #99-67 of the Affiliated Tribes of Northwest Indians dated September 30, 1999.

The use of the TEA-21 allocation methodology is also supported by Senator Patty Murray, in her letter to this Committee. (Attached)

Federal officials seem to presume they can continue to use the fiscal year 1999 formula to allocate funds among Indian tribes until the Secretary establishes a new formula.

There seems to be advocacy by some federal participants to the Rulemaking process to allocate funds in fiscal year 2000 in exactly the same manner as in fiscal year 1999. There also seems to be the presumption that the 1999 formula can be used indefinitely absent a consensus recommendation from the Rulemaking Committee on a new funding formula. Senior federal officials have stated that the Assistant Secretary of the Interior may consider consensus recommendations from the Rulemaking Committee for an interior may consider consensus recommendations from the some formula for fiscal year 2000. As long as federal officials and those Tribal representatives who benefit from using the 1999 formula consistently block attempts to negotiate a new formula, the negotiations will likely remain stalled indefinitely.

Recommendation: Clarify the intent of Congress to federal officials and tribal representatives regarding whether all tribes or only historic recipients are the intended beneficiaries of IRR funds and whether continued use of the 1999 formula is acceptable. We do not believe that Congress required these negotiations to perpenuate the paternalistic system developed by the BIA that benefits relatively few tribes and leaves as many as 350 tribes without any funds to accomplish needed transportation activities. Take to heart the statement of the Affiliated Tribes of Northwest Indians that "the present system is not working for the majority of Indian tribes."

3. Makeup of the Rulemaking Committee is inconsistent with the requirements of TEA-21. In establishing a Rulemaking Committee, TEA-21 required the Secretary to "ensure that the membership of the committee includes only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes." The Rulemaking Committee is composed of 29 tribal representatives, 24 alternates, and federal representatives. The Secretary selected 24 primary tribal representatives and alternates from the 43 Indian tribes whose 1999 annual IRR allocations exceeded \$1,000,000 each. These 43 tribes receive nearly 75% of all IRR construction funding under the current system. Two-thirds of the committee representation was selected from among the 94 largest tribes in the nation. Just nine representatives come from 217 Indian tribes whose allocation is under \$100,000 per year. Another 183 Indian tribes receive no allocation at all, yet they have only two representatives appointed to the Rulemaking Committee. By loading the Rulemaking Committee with the historic recipients of IRR funding, the Secretary has established a committee whose members for the most part have a vested interest in keeping things as they are. Unless external pressure is focused on this process, substantive progress on a funding allocation formula and regulations is unlikely.

Recommendation: There are approximately 400 tribes receiving an annual allocation of less than \$100,000 or no allocation at all; these are the under-represented tribes on the Rulemaking Committee. Although funds are allocated to some of these tribes, funds are seldom obligated for projects on their reservations. One remedy may be to add representation from these tribes to the Rulemaking Committee. More effective though, may be exerting external pressure on the parties to negotiate. One way to exert pressure may be to "freeze" all or a portion of the Indian reservation roads construction funding for fiscal year 2000 until establishment of a funding formula and issuance of regulations in final form occurs.

# 4. The funding formula used in 1999 was implemented under ISTEA without adequate consultation with Indian Tribes, and its continued use is unacceptable to most tribes. Between 1993 and 1996 the BIA changed the funding formula from one based on population, road miles, and land area to one based on cost to improve existing roads, existing road use, and to a lesser extent on population. In 1988 the BIA hired A/E Group, Inc. to lead five private firms that had previously prepared reservation transportation plans to consult with BIA Area Road Engineers to develop a new relative need formula. Many of the plans and associated inventories completed by these contractors for the BIA would ultimately fall into disrepute among much of Indian Country. Although the impacts on tribal transportation programs resulting from the formula changes were profound, Tribal involvement in the process was minimal. The impact for FY 1999 alone was a shift of some \$28 million with 125 Albuquerque, Portland, and Phoenix Area tribes losing 20, 30, and 40 percent respectively of their former IRR allocations.

#### 1999 impact of 1993-1996 Changes to Relative Need Formula

BIA Area	Curr	ent FY99 RNF	O	d FY99 RNF	Change	% Change
Aberdeen	\$	18,496,126	5	20,366,918	(\$1,870,792)	-9.19%
Anadarko	\$	8,211,949	5	3,590,101	\$4,621,848	128.74%
Billings	5	16,973,988	5	19,059,212	(\$2,085,224)	-10.94%
Juneau	\$	16,629,802	5	5,825,791	\$10,804,011	185.45%
Minneapolis	\$	9,800,082	5	9,093,027	\$707,055	7.78%
Muskogee	\$	18,609,231	\$	16,429,585	\$2,179,646	13.27%
Phoenix	\$	20,963,611	\$	34,950,687	(\$13,967,076)	-39.96%
Sacramento	\$	4,607,228	\$	4,743,482	(\$136,254)	-2.87%
Albuquerque	\$	12,985,687	\$	16,293,534	(\$3,307,847)	-20.30%
Navajo	\$	59,085,790	\$	49,568,976	\$9,516,814	19.20%
Portland	5	12,545,047	\$	18,090,615	(\$5,545,568)	-30.65%
Eastern	\$	4,131,459	\$	5,048,072	(\$915,613)	-18.16%
	\$	203,060,000	5	203,060,000	\$0	

Testimony of the Squaxin Island Tribe Oversight Hearing TEA-21 October 20, 1999 Page 4

For the Squaxin Island Tribe, the impacts were even more extreme. Although the formula allocation for the Squaxin Island Tribe totaled \$360,000 under ISTEA between 1992 and 1997, the Tribe receive only one small chip sealing project for \$12,400. The formula change combined with incorrect inventory information reduced the Tribe's annual allocation from \$80,000 in 1993 to \$12,420 in 1999. Had the HIA not changed the formula and used correct inventory data, the Tribe's 1999 allocation would have exceeded \$125,000.

Recommendation: Compel the BIA to engage in good-faith negotiations in the present rulemaking process to develop a new formula rather than perpetuating of the existing failed system. Provide supplemental funding to correct inaccurate inventories for those tribes that have not had the opportunity to participate in the IRR Program because they lacked the resources to undertake transportation planning and generate accurate inventory information. Recognize that the Bureau of Indian Affairs failed in its responsibility to assure accurate data for all tribes in the nation.

#### 5. Inadequate IRR Construction Funding

Indian reservation roads make up 2.63% of this nation's public highway system; yet, less than one percent of the annual allocations for the highway program is directed at providing transportation assistance for Indian reservation roads. Although annual authorizations increased under TEA-21 to 5275 million from ISTEA's \$191million; there was only a slight increase in funding for tribal roads projects. When the impacts of reductions for FHWA and BIA administration, the bridge program, obligation limitation, and other takedowns are deducted, about \$203 million remains for IRR transportation assistance to tribes. Under TEA-21, IRR became an allocated program with an obligation limitation takedown of \$32 million in 1999.

Recommendation: Increase the IRR program authorization to levels comparable with the states and repeal the provision of TEA-21 that applied obligation limitation to the IRR program for the first time. Utilike state programs, the IRR program does not recover obligation limitation takedowns when those funds are redistributed. A technical amendment to TEA-21 restoring the IRR Program from the allocated programs to the 100%-funded programs would provide additional funding to address the deplorable condition of Indian reservation roads without increasing appropriations.

#### 6. Inadequate Maintenance Funding

Maintenance funding for the IRR system averages less than \$500 per mile while states are allocated \$4,000 to \$5,000 per mile for road maintenance. The BIA estimates an annual need for road maintenance at \$100 million annually, but only about one quarter of that amount is appropriated through the Department of Interior appropriations for road maintenance. Because Indian reservation roads are not adequately maintained, road life is reduced and reconstruction of existing roads consumes IRR construction funding at an unacceptable rate. Although the design life for BIA roads is 10 to 15 years, reconstruction and resurfacing frequently occurs within seven or eight years. On the Squaxin Island Reservation, many roads are approaching 25 years of age having never received maintenance, reconstruction, or resurfacing by the BIA.

Recommendation: Consolidate the BIA maintenance program with the IRR construction program, but retain separate authorization for maintenance funding similar to the IRR Bridge Program. Increase the authorization for Indian reservation roads maintenance to \$100 million.

October 20, 1999 Page 5

#### The BIA manages the most complicated allocation system of all transportation programs distributing Highway Trust Fund moules, and it resists all change or improvement.

Highway Trust Fund monies are allocated to states under a number of formulas employing various combinations of population, gas tax collections, road or lane miles, and minimum apportionment. The BIA administers a complex inventory-driven system using various arcane data sets and indexing schemes, the impacts of which the administrators do not fully understand.

Recommendation: Consider transferring the entire IRR program to the Federal Highway Administration. Highways and roads are FHWAs area of expertise as they have demonstrated repeatedly in their status as lead agency for the Metlakatla project, administering the Tribal Technical Assistance Program, and developing the Tribal Transportation Planning and Policy Guidelines. Increasingly, FHWAs multi-modal expertise is needed to coordinate federal, tribal, state, and local agencies in cooperative transportation projects. Under such a proposal it is imperative that tribal compacting and contracting authority is preserved and enhanced.

L-DOCUMENT/TESTIMONIT/JICT



WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and,

WHEREAS, under the Constitution, Bylaws, and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general weifare of tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; and,

WHEREAS, the Squazin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and,

WHEREAS, the Squaxin Island Tribal Council is an eligible recipient of funds from the Federal Highway Trust Fund under the BIA-administered Indian Reservation Roads Program (IRR); and,

WHEREAS, the Squaxin Island Tribal Council did commete a delegate, with concurrence of the 43 federally-recognized tribes from the BIA Portland Area, who was subsequently appointed by the Secretary of the Interior to the TEA-21 Negotiated Rolemaking Committee; and,

WHEREAS, the Squaxin Island Tribal Council did assign staff to assist the appointed delegate, Mr. David Whitener, Sr., and to assist in the rulemaking process; and,

WHEREAS, the United States Congress, through TEA-21 (the Temperation Equity Act for the 21st Century), mandated that the Secretary of the Interior, through a negotiated rulemaking procedure reflecting "the usique government-to-government relationship between Indian tribes and the United States" and including "only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes," to "issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year ..." and,

WHEREAS, the US Congress, through TEA-21, required that "the regulations shall be issued in final form not later than April 1, 1999, and shall take effect not later than October 1, 1999; and,

#### Proposal for Interim Funding Formula Distribution TEA-21 Negotiated Rulemaking Committee

#### Problem Statement

Fiscal Year 2000 begins October 1, 1999, and it is apparent that the TEA-21 Negotiated Rule Making Committee will not reach agreement on a final IRR funding formula as required by the Transportation Equity Act for the 21<sup>st</sup> Century by that date. Many road construction projects are ongoing from prior fiscal years, and these projects require obligating IRR funds at the beginning of the fiscal year. The transportation systems serving Indian people today are the most seriously deficient components of all federal highways programs. This deficiency must be addressed without disrupting IRR funding delivery. For the benefit of all Indian people, some mechanism must be developed to allow the BIA to distribute IRR funding on an interim basis for Fiscal Year 2000 prior to adopting a Final Rule for the Indian Reservation Roads Program.

Currently, other than 2% planning funds, there is no minimum funding allocation for tribes under the IRR construction program. There is no additional set-aside funding to build tribal administrative capacity or sustain tribal programs to implement required transportation activities. The relative need formula used by the BIA between 1993 and 1999 does not enable those tribes lacking IRR program funding to identify and implement their relative transportation needs. Because IRR funding is currently obligated on a project basis, the majority of tribes are precluded from undertaking needed transportation activities.

#### Solution Statement

A possible solution to address our present situation is to develop an interim funding formula for FY 2000 acceptable to and fair for all Indian Tribal Governments. We propose allocating IRR funding into two components for FY 2000: 75% distributed to BIA Area Offices based on the BIA 1999 relative need formula and the remaining 25% distributed to all Tribes as a minimum apportionment. The minimum apportionment could be as equal amounts distributed to all Indian Tribal Governments.

By utilizing an interim formula early in the new fiscal year, we will be able to address other crucial tribal transportation issues with a powerful united voice. One such issue is revocation of the obligation limitation impacts to the Indian Reservation Roads Program. Recapture of these monies would make approximately \$45 million in additional funding available to support our transportation needs. We propose that these additional monies be distributed to BIA Area Offices based on the 1999 BIA relative need formula.

Finally, we propose that we try to achieve no net loss in total funding for any tribe in FY 2000 and FY 2001 by adjusting the final formula applicable for FY 2001 retroactively to FY 2000.

Concerned Tribal Representatives To TEA-21 Negotiered Rulemaking

September 23, 1999



#### Affiliated Tribes of Northwest Indians

# 1999 Annual Conference Pocatello, Idaho

RESOLUTION #99-67

#### "STATEMENT OF RECOMMENDATIONS REGARDING THE TEA-21 NEGOTIATED RULEMAKING"

#### PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific Tribal concerns, and

WHEREAS, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians, and

WHEREAS, in January 1999, the Affiliated Tribes of Northwest Indians nominated delegates to the TEA-21 Negotiated Rulemaking Committee who were subsequently appointed by the Secretary of Interior as Members and Alternates to the Committee, and

WHEREAS, the Affiliated Tribes of Northwest Indians has established a Transportation Committee to address the transportation challenges faced by Northwest Indian Tribes, and

> 222 NW Davis + Suite 403 · Portland, Oregon 97209 Phone: (503) 241-0070 · Fax: (503) 241-0072

WHEREAS, the Transportation Committee of the Affiliated Tribes of Northwest Indians has prepared the attached "Statement of Recommendations Regarding the TEA-21 Negotiated Rulemaking," now

THEREFORE BE IT RESOLVED, be the Affiliated Tribes of Northwest Indians that the attached "Statement of Recommendations Regarding the TEA-21 Negotiated Rulemaking" represents concerns of all Northwest Tribes.

#### CERTIFICATION

The foregoing resolution was adopted at the 1999 Annual Conference of the Affiliated Tribes of Northwest Indians, held at Cavanaughs in Pocatello, Idaho on September 30, 1999 with a quorum present.

Ernet & Storage

Mary E. Gently, Secretary

# Affiliated Tribes of Northwest Indians Transportation Committee Statement of Recommendations Regarding the TEA-21 Negotiated Rulemaking

#### Statutory Background:

The Transportation Equity Act for the 21\* Century (TEA-21) mandated that the Secretary of the Interior, through a negotiated rulemaking procedure reflecting "the unique government-to-government relationship between Indian tribes and the United States" and including "only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes," to "issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year."

#### ATNI Transportation Committee Statement:

The Affiliated Tribes of Northwest Indians nominated delegates to the TEA-21 Negotiated Rulemaking Committee who were subsequently appointed by the Secretary of Interior as Members and Alternates to the Committee. These delegates to the Committee are participating based on the belief that the rulemaking process mandated by Congress is intended to benefit all of the Indian Nations in the United States that want to undertake transportation activities through the Indian reservation roads program. Under ISTEA, the 1991 transportation authorization for fiscal years 1992 - 1997, approximately 350 tribes received no transportation construction funding. In the BIA Portland Area, 17 of 43 tribes received no transportation construction funding. The present system is not working for the majority of Indian tribes.

The Northwest delegates came to the rulemaking with the understanding that a new formula based on the relative needs and administrative capacities of these tribes would be developed. We were encouraged to "think out of the box" and develop creative new solutions to the universal transportation challenges confronting all Indian tribes. We are concerned regarding ongoing discussion advocating the use of the existing funding formula and process to extend perhaps through fiscal year 2003.

#### ATNI Transportation Committee Recommendations:

In consideration of the concerns of the Northwest tribes, the ATNI Transportation Committee

requests that the Rulemaking Committee seriously consider the following recommendations:

- Demonstrate traditional respect for Tribal leaders who attend Negotiated Rulemaking Committee meetings and support their full participation in work group deliberations.
- Develop a consensus recommendation for an interim formula for Fiscal Year 2000 that is simple, easy to administer, and allows for significant participation in Fiscal Year 2000 by every tribe that desires to do so.
- In developing an interim formula, set saide Fiscal Year 2000 IRR construction funds for those projects that are ongoing and received IRR construction funds in Fiscal Year 1999, and set aside a base level of funding that will allow all tribes desiring to do so to participate in the IRR program.
- In the interim formula, establish minimum requirements and eligible activities for the base level of funding distributed to all tribes.
- In developing the formula to be included in the final regulation, give due consideration to other formula alternatives including block grants, minimum apportionment, service area-base funding, non-project based funding, or other innovative models that can only be found outside the box.

#### Certification:

The Transportation Committee Co-Chairs certify that the foregoing statement and recommendations represent the full consensus of the ATNI Transportation Committee representing 50 Northwest Tribes from the states of Alaska, California, Idaho, Montana, Oregon, and Washington.

Transportation Committee Co-Chair

Dated 9/30/99

Transportation Committee Co-Chair

Dated 9/30/99



One-das bringing several hundred block of corn to Washington's stanling army at Valley Forge, after the colorists had contestedly

# Oneida Tribe of Indians of Wisconsin BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155 Telephone: 920-869-4364 • Fax: 920-869-4040

LIGHIA DÉBICS DAY YATEH Because of the help of this Creede Chef in on-serving a triendaling between the se nations and the colony of Pennsylvania, a ney nation, the Unded States

November 17, 1999

Honorable Ben Nighthorse Campbell Senate Committee on Indian Affairs SH-838 Hart Senate Office Building Washington, D.C. 20510-6450

Dear Chairman Campbell

I would like to thank the Senate Committee on Indian Affairs for this opportunity to submit comments on the Indian Reservation Roads and the Transportation Equity Act of the 21st Century

The Oneida Tribe of Indians of Wisconsin has been very fortunate in secent years due to sur efforts in evisionse development and gaming. We have made great strides in government to government relations with the State of Wisconsin and municipalities surrounding our reservation.

The population, land base, and inventured miles of the Tribal Nations in Wiscomis limit the opportunities of the Oneida Tribe of Indians of Wiscomin and other Wiscomin Tribes to participate or Federal transportation projects. The Indian Nations of Wiscomin must work together to realize the maximum benefit of Federal transportation programs.

In April of 1999, the Oesida Tribe of Indians of Wiscomin hosted a Trion Hall Meeting. There was a large turnout of representatives from Indian Nations who came together for a common goal. The group sought is inform the Federal Government of the great reod for money to improve except Tribal transportation programs and to develop new programs. From this meeting, it was clear that not all Indian Nations in Wisconsin are treated equally by Federal Programs. The smaller Indian Nations are literally denied opportunities to improve existing reads or borld new reads, because of the demands of larger Indian Nations throughout the Linded States.

I hope that careful consideration will be given to the following recommendations

#### RECOMMENDATIONS:

#### FUNDING FORMULA:

After deducting eleven percent (17%) for the obligation of limitations and the thirteen million dollars (\$13,000,000) set aside for the Renervation Bridge Program, there is considerably less money to distribute to Indian Nations. This causes more competition between the Indian Nations, and inevitably, the smaller Indian Nations lose.

Funding for transportation is distributed through a formula developed by the Bureau of Indian Affairs ("Relative Need Formula") based on the cost to improve, the vehicle miles traveled, and the population of the affected Indian Nation. Under current conditions the Relative Need Formula benefits Indian Nations with large land bases, large populations, and large inventories of roads. Smaller Indian Nations are given low priorities, because under the Relative Need Formula, they cannot compete with the larger Indian Nations. Some smaller Indian Nations cannot even afford to compile the necessary data to apply for the Indian Reservation Roads Funding. They have no staff capable of compiling the transportation specific statistics.

I ask that the following be considered:

- More emphasis must be placed on the transportation needs of Indian Nations rather than statistical data.
- The population of a specific project target area should be considered rather than the population of the entire Indian Nation affected.
- Consideration should be given to specific projects that will improve the quality of life or the
  economic development of the community, rather than on statistical data that may not provide
  equitable distribution of funds.
- Transit program funding should be separated from Indian Reservation Roads Funding, Indian Nations should be able to apply directly to the Federal Transit Authority for funding instead of having to apply through a state.

#### SIX PERCENT (6%):

The intent of the six percent (6%) is understood, but because the need for money in Indian Country from the TEA-21 funding pool for the next four years, I recommend that this amount be eliminated. All of the money must be distributed to the Indian Nations.

#### **OBLIGATION OF LIMITATIONS:**

The obligation of limitations should be eliminated. An obligation of one hundred percent (100%), as in prior legislation, should be made to the Indian Reservation Roads Funding Program. This money should be set aside for the use of smaller Indian Nations for transportation planning, including the hiring of transportation planning consultants.

Thank you again for allowing me the opportunity to submit these comments.

Sincerely,

Gerald L. Danforth, Charman Oneida Tribe of Indians of Wisconsin FW TAT LEGAL BEFT RENTOWN FAX NO 170/6273626



## MANDAN, HIDATSA, & ARIKARA NATION

Three Alfiliated Tribes \* Fort Berthold Indian Reservation HC3 Box 2 \* New Town, North Dokora 58763-0402

Issuary 14, 2000

Honorable Ben Nighthorse Campbell Chairman, Senate Committee on Indian Affairs

RE Oversight Hearing on the Transportation Equity Act for the 21" Century

Dear Senator Campbell

The Three Affiliated Tribes thank you for this opportunity to submit comments on the report smansting from the Senate Indian Affairs Committee's Oversight Hearing on the Indian Reservation Roads (IRR) program and the Transportation Equity Act of the 21<sup>eth</sup> Century (TEA 21)

We have reviewed the oversight hearing report and agree that the BIA administration of the BIA program is not in full compliance with the mandates of Cooppes, as prescribed in TEA 21

Although TEA 21 clearly provides that administrative services for the IRR program at the reservation level are contractible (see 23 USC Sec 202(d)(3)(A)), the BIA Regional Office is reluctant to contract for this service. This handicaps our efforts to build our capacity for governance in accordance with the Indian Self-Determination Act, as recognized by Congress through TEA 21.

The administration of our IRR program is very complex because it includes our coltural, pointical, social and economic systems that influence the land ownership and use patterns and our intergovernmental relationships with six counties (to-wat Mountral, McLesto, Mercer, McKenzie, Ward, and Dunn), the State of North Dakota, and the Corps of Engineers Significant sovereignty, jurisdictional, budgetary and administrative consequences flow from the resolution of lastes that arise on our Reservation on a daily basis. The administrative support provided to our Tribal decision-makers by engineers with the BIA Regional Office, who viait our Reservation two or three times a year, is woefully isadequate. Our Tribal decision-makers are in need of administrative support for the BRR program provided here at the local level by an administrator who supports our best interests in the program.

We have also recently been advised that our IRR funding for FY 2000 has been reduced by 45%. The BIA has advised us that this major reduction is caused by the road construction cost index for the State of North Dakota, as published by the FHWA, based on the "cost to improve" our IRR road system. The cost to improve is a factor in the relative need formula used by the BIA to allocate funding to the reservations. We seriously question the statistics used by the BIA for this formula and for other purposes. The North Dakota State Highway Department and the local FHWA office are not aware of any major reduction in road construction costs.

We fully support your efforts to improve the delivery system for the IRR program and will be glad to provide more detailed information specific to the Fort Berthold Reservation, if deemed beneficial. We would also support the formation of a tribal task force to study and recommend a delivery system that will be more responsive to the directives of Congress and the desires of the various tribes throughout Indian Country, including the Three Affiliated Tribes.

Tex G. Hall

Tribal Business Council

#### Proposal for Interim Funding Formula Distribution TEA-21 Negotiated Rulemaking Committee

#### Problem Statement

Fiscal Year 2000 begins October 1, 1999, and it is apparent that the TEA-21 Negotiated Rule Making Committee will not reach agreement on a final IRR funding formula as required by the Transportation Equity Act for the 21<sup>st</sup> Century by that date. Many road construction projects are ongoing from prior fiscal years, and these projects require obligating IRR funds at the beginning of the fiscal year. The transportation systems serving Indian people today are the most seriously deficient components of all federal highways programs. This deficiency must be addressed without disrupting IRR funding delivery. For the benefit of all Indian people, some mechanism must be developed to allow the BIA to distribute IRR funding on an interim basis for Fiscal Year 2000 prior to adopting a Final Rule for the Indian Reservation Roads Program.

Currently, other than 2% planning funds, there is no minimum funding allocation for tribes under the IRR construction program. There is no additional set-aside funding to build tribal administrative capacity or sustain tribal programs to implement required transportation activities. The relative need formula used by the BIA between 1993 and 1999 does not enable those tribes lacking IRR program funding to identify and implement their relative transportation needs. Because IRR funding is currently obligated on a project basis, the majority of tribes are precluded from undertaking needed transportation activities.

#### Solution Statement

A possible solution to address our present situation is to develop an interum funding formula for FY 2000 acceptable to and fair for all Indian Tribal Governments. We propose allocating IRR funding into two components for FY 2000. 75% distributed to BIA Area Offices based on the BIA 1999 relative need formula and the remaining 25% distributed to all Tribes as a minimum apportionment. The minimum apportionment could be as equal amounts distributed to all Indian Tribal Governments.

By utilizing an interim formula early in the new fiscal year, we will be able to address other crucial tribal transportation issues with a powerful united voice. One such issue is revocation of the obligation limitation impacts to the Indian Reservation Roads Program. Recapture of these monies would make approximately \$45 million in additional funding available to support our transportation needs. We propose that these additional monies be distributed to BIA Area Offices based on the 1999 BIA relative need formula.

Finally, we propose that we try to achieve no net loss in total funding for any tribe in FY 2000 and FY 2001 by adjusting the final formula applicable for FY 2001 retroactively to FY 2000.

Concerned Tribal Representatives To TEA-21 Negotiated Rulemaking

September 16, 1999

## Proposal for Interim Funding Formula Distribution TEA-21 Negotiated Rulemaking Committee

The following Tribal Representatives support adoption of the foregoing proposal for an interim funding formula distribution.

Robin Brolette	
al Ketzley In	
De Mist Orec	
Market	-
Regan St Nielsen	
Nan Stefaner	
May Movey	
	-

# Fort Belknap Indian Community

R R 1, Box 66
Fort Belkmap Agency
Harlem, Montana 58526
PH: (406) 353-2505
FAX Council - (406) 353-4541
FAX Departments - (406) 353-2797

Park Samuel Colonial Colonial



November 2, 1999

Committee on Indian Affairs 838 Hart Senate Office Building Washington, D.C.20510-6450

#### Honorable Chairman

Honorable Chairman Campbell and respected members of the Senate Committee on Indian Affairs. My name is Joseph McConnell, I am the President of the Fort Belkrap Indian Community Council which is the governing body for the Gree Ventre and Assimboine Nation on the Fort Belkrap Indian Reservation in Montana. I thank you for this opportunity to submit our written testimony regarding TEA-21 and the Indian Reservation Roads (IRR) Program.

Our reservation is located in north central Montana and encompanies 652,593 acres. In addition, there are 28,731 acres of Tribal lands outside the reservation's boundaries obtained through the land acquisition program. The reservation is rectangular in shape with an everage width of 28 miles. The average length north to south is 40 miles. The northern boundary is the Milk River; the southern boundary includes a large portion of the Little Rocky Mountains. The sout and west boundaries are marked by survey lines. The Fort Belkings Reservation is the fourth largest of the seven reservations in Montana and is included in portions of Blaine and Phillips counties. Our on reservation population is approximately 4000 and we have a employeement of \$235 people.

The Assimboine were part of the Yantonai Sioux. The Gros Ventres are of Algonquian origin and are closely related to the Ampaho. The Assimboine veriginally resided in the woodland area near northern Minnesota. The Gros Ventre resided near the Sankatchewse River area of the province of Alberta, Canada. In search of busing areas, competition from other stronger Tribes, and the development of new trade routes, the Tribes migrated toward Montana in the 1700's - 1800's.

The Fort Belkmap Indian Reservation was created by an Act of Congress on May 1, 1888 (Stat., L., XXV, 113). The site for the Fort Belkmap Agency as the government bendquarters was informally established in 1889. The Fort Belkmap Agency is located four miles southeast of Harlen, Montana. Fort Belkmap was named after William W. Belkmap, Secretary of War under President Grant.

The male Indian voters accepted the Indian Reorganization Act (IRA) on October 27, 1934. This allowed Tribal members of Fort Belknap to establish a constitution and corporate charter. The constitution was adopted on October 19, 1935 and a corporate charter on August 25, 1937 in accordance with Section 16, of the IRA.

Under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community. We are committed to providing a better place to live for the members of both tribes. We plan to accomplish this by developing more tribally-owned economic enterprises, crating opportunities for tribal entrepreneurs, providing better law enforcement and judicial systems, developing new programs which address social concerns, and preserving our tribal land base.

I would like to briefly address Transportation Planning, Road Maintenance, TEA-21, the Indian Reservation Roads (IRR) Program, Obligation Limitation, and the IRR Bridge Program.

Transportation planning is the procedure for determining, as accurately as possible, future transportation needs and the most practical ways to satisfy them. Transportation system planning is one of the most complex endeavors in which any community can become involved. The planning effort involved in preparing a transportation plan for an "Indian Reservation Roads" (IRR) system is unique because it includes roads under the jurisdiction of several different governmental agencies, not just the Bureau of Indian Affairs (BIA). This road network consists of all public roads that are located within, or provide access to an Indian reservation or trust lands. Also it is necessary to understand the political, cultural, and historical environment.

The Transportation Planning Process involves an in-depth and comprehensive evaluation of all factors influencing the performance and orderly growth of transportation systems. The primary objectives of transportation planning are to determine the needs for both new and existing transportation facilities and to lay the groundwork for transportation improvements.

Transportation needs are vital to future reservation growth and development in the following areas of Federal Trenty Responsibilities: health, safety, education, and economic development.

The Bureau of Indian Affairs Roads Department primarily maintains the Fort Belknap Indian Reservation roads system. Indian Reservation Roads (IRR) are public roads, including roads on the Federal-Aid- Highway system, that are located within or provide access to Indian reservations of Indian Trust Land. The BIA has responsibility for administering IRR programs that serve Indian tribes. The Fort Belknap Reservations fair share from the Billings Area Office, Bureau of Indian Affairs for Roads Maintenance in FY-99 is \$314,000.00 to maintain 215 miles of BIA System roads, this includes 100 miles of paved roads, 58 miles of gravel roads, and 57 miles of earth roads. The actual need however is \$500,000.00 to maintain an additional 250 miles of tribal roads that serve our elderly, handicap, and school children.

The Fort Belknap Indian Community Council agrees with the Rapid City Tribal Transportation Town Hall Meeting Participates in that the U.S. DOT needs to provide special road maintenance funding to protect the public investment in the tribal roads system.

An accurate road inventory should be undertaken of all BIA System Roads to support and justify maintenance and construction funding requests.

TEACH

A brief background in regards to roads and highways would be:

Looking back historically, the "Indian Reservation Road Program" was established on May 26, 1928, by Public Law 520 (codified as 25 USC 318(A)). "The current partnership between the Bureau of Indian Affairs (BIA), and the Federal Highways Administration (FHWA), began in 1930". The Federal-aid-Highway Act of 1936, Public Law 686, Section G had certain important provisions regarding utilization of BIA funds and contained within Section 10(c) of the Federal-aid Highway Act of 1944, Public Law 521 the First BIA/FHWA Memorandum of Agreement which was executed in 1946. 1958 produced new revisions, which resulted in Title 23, USC.

Forty two years ago the "Federal Aid Highway Act of 1956" was signed into law which established the current Interstate Highway System and the Public Policy intent was to establish an infrastructure investment for the future a highly successful public investment program by most standards.

On January 6, 1983 signing of Public Law 85-767, Public Law 97-424, the "Surface Transportation Assistance Act of 1982" (STAA), brought the IRR Program into the Federal Lands Highway Program (FLHP) which provided funding from the Highway Trust Fund. Section 126 of the 1982 STAA required the Secretary of Transportation to allocate Indian Reservation Road (IRR) funds according to the relative needs of the various reservations as jointly identified by the Secretary of Transportation and the Secretary of the Interior.

All this brings us to 1991, Public Law 102-240 when Congress enacted the ISTEA Legislation which increased Tribal Funding from approximately eighty (\$80) million to one handred ninety one million (\$191). Yet this significant increase only represents thirty (30) percent of the Tribal Infrastructure need. The current IRR System as of 1994 is 25,700 miles of BIA and Tribal owned roads along with 25,600 miles of state, county and local government public roads along with one ferryboat operation (Inchelium-Gifford Ferry).

ISTEA was a landmark in Transportation Legislation with its mandates for inter-agency and intergovernmental cooperation in every state, and the goal of developing a first rate national transportation system.

The implications of ISTEA for the tribes are many, two of which are. First, tribes have an opportunity to utilize what is called two (2%) percent transportation planning dollars to develop usually through their planning departments crucial Transportation Planning for the future. This can include tourism, scenic by-ways, bike paths, or other economic development opportunities.

Second, which is the most important economic development tool for tribes is the Public Law 93-638 Contract(s) for construction contracting by tribes of the IRR Program. Tribes have more input and flexibility in developing their own transportation plans. Through cooperation with the states and municipalities tribes will gain added technical and financial resources, and the right to be involved with transportation planning, construction and employment possibilities at all levels: local, state, BIA, and other Federal Agencies, as equal partners. "ISTEA gave the tribes a place at the table".

At the present time, a number of agencies consultants, tribal governments, local governments, and the BIA provide the "design" of Tribal projects. In 1995, approximately 35 percent of the IRR construction was performed by Indian Tribal Governments under PL 93-638 contracts, 40 percent were done under "Buy Indian Contractors, 15 percent utilizing Indian labor under BIA Force Account.

What this translates to is greatly increasing the employment, training, education, and economic diversification for those tribes who participate. Tribal revenue is increased which accelerates the tribal economy through its enterprise thereby increasing the tribal gross product, tribal small business enhancement, vendors, and other such stimulus occurs adding to an increased tax base along with more taxes for the state.

There is specific Congressional intent in the TEA-21 Bill to provide new opportunities for tribes in transportation improvements, jobs, and ultimately recreational and tourism enhancements that will lead to economic growth.

ISTEA Legislation increased flexibility for states, local governments, and tribes to determine their transportation needs. Section 1025 Statewide Planning, of ISTEA afforded the tribes with the opportunity to be more involved in the planning process with the State, and the MPO's. All the tribes have been more involved in the Transportation Planning process with their perspective county commissioners, BIA, and the MDT as a result of this provision in ISTEA. This has helped the tribes in the coordination of IRR Projects on the reservations, and the selection of projects are based on realistic figures as far as funding is concerned.

Under TEA-21 these planning opportunities continue.

#### OREAGATION LIMITATION

Congress authorizes and appropriates Highway Trust Funds for the Federal Lands Highway Program (FLHP), through the passing of multi-year transportation acts. The last four transportation acts were:

- 1. The Surface Transportation and Uniform Relocation Assistance Act of 1987.
- 2. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).
- 3. The National Highway System Designation Act.
- 4. The Transportation Equity Act for the 21" Century (TEA-21).

In most of these acts, Congress authorized funds for the FLHP for 5 or 6 fiscal years. This type of multi-year funding is called "contract authority" (a special type of budget authority), sums authorized in transportation acts are made available for obligation without an appropriations action.

The use of contract authority gives the Federal Land Management Agency (FLMA), Indian Tribal Governments, and States advance notice of the size (funding levels), of the various categories of the FLHP. These categories are, Forest Highways, Indian Reservation Roads, Park Roads, and Parkways, Public Lands Highway Discretionary, and Refuge Roads. As soon as an authorization is enacted it eliminates some of the uncertainty contained in the fiscal year authorization-appropriation sequence.

Historically the FLHP was not effected by the authorization-appropriation sequence since it always was provided the full amount of annual obligation limitation.

Section 1102 of TEA-21 states how the annual obligation limitation would be distributed for FY's 1998-2003. This overrides the special treatment for FLHP funds under the FY-98 DOT Appropriations Act. Under Section 1102,c, (1) of TEA-21, the Secretary is not directed to distribute the amount of obligation limitation needed for the FLHP for allocation by the ratio defined in Section 1102,c, (3).

Basically in Section 11102(f), Congress added a new provision which impacts FLHP funds. It directs the Secretary to (not later than 30 days after the date of the distribution of obligation authority under subsection c, for each fiscal years 1998-2003), distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid Highway programs (other than the program under section 160 of title 23, USC), and for carrying our subchapter I of chapter 311 of Title 49, USC and chapter 4 of title 23 USC and (2) that the Secretary determines will not be allocated to the States (i.e. the FLHP), and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the states shall be made in the same ratio as the distribution of obligation authority under subsection c, (6).

Any FLHP funds, which do not have obligation limitation, will be returned to the States as Surface Transportation Program Funds, for fiscal year 1998 this amounts to \$52.8 Million.

#### CONCLUSION

TEA-21 and the 1991 ISTEA Bill significantly changed how states and tribes do business, and has proven to be an excellent public policy investment, not only for tribes but also for local, state, county, and the federal government. The revitalized planning requirements, the development of management systems, the public input process, broadening the use of transportation funds, and the new players brought to the table by ISTEA have belied preserve the transportation infrastructure. TEA-21 will continue to give the tribes the tools to address the transportation needs prioritized in Indian Country.

The implementation and enforcement of the TEA-21 provisions and the unique government to government relationships as sovereigns, through Presidential Executive Order #13084 of May 14, 1998 "Consultation and Coordination with Indian Tribal Governments", and provisions included in Executive Memorandum of April 29, 1994, "Government to Government Relations with Tribal Governments", will support the tribal needs to be active participates in the decision-making process that affects our jurisdiction.

The Fort Belknap Indian Community Council strongly recommends that legislation be adopted by the U.S. Congress to exclude the Federal Lands Highway Program from the Obligation Limitation Ceiling in TEA-21, Section 1102 (F). Current policy has resulted in an additional loss of \$120 million through FY-2003. We also recommend that all funds lost due to the obligation limitation be returned to the IRR Program.

The current TEA-21 Bridge Program should be funded separately from IRR Construction Funds and not be a set-aside program. Current funding levels need to be increased and provided to cover, not only bridge replacement and rehabilitation, but also plans, specifications, and estimates.

The Fort Belknap Indian Community Council again would like to thank you for the opportunity to submit our written testimony to the TEA-21 Oversight Hearing.

It Mcale

Respectfully,

Joseph F. McConnell, President Fort Belknap Indian Community Council PATTY MURRAY

United States Senate

APPENDATE APPENDENT STORY OF THE PARTY OF TH

October 28, 1999

Senator Ben Nighthorse Campbell Chairman Committee on Indian Affairx Hart Senate Building, Room 838 Washington, D.C. 20310-6450

Senator Daniel K. Inouye Vice Chairman Committee on Indian Affairs Harr Senate Building, Room 838 Washington, D.C. 20510-6450

Dear Senators Campbell and Inouye:

I am writing regarding conterns over the oversight hearing on Indian reservation roads and the Transportation Equity Act for the T1<sup>SE</sup> Century (TEA-21). I appreciate the oversight your committee is providing on this critical issue. The reason I am writing to express any concerns regarding the negotiated rolemaking process. Good-faith implementation of the rulemaking process is critical to improving the conditions of Indian reservation roads in this nation.

Under TEA-21, Congress required the Secretary of the Interior to apply negotiated rulerasking to establish a formula to allocate funding enoug Indian tribes in facal year 2000 and beyond and to insee regulations governing the Indian Reservation Roads Program. I am disturbed to learn that in the 16 months following the promitigation of TEA-21, the Secretary has failed to establish a meaningful negotiation that will deliver a more equilable funding formula that works for more than a few of this nation's Indian tribes. The intent of Congress was not to perpensate the existing system that benefits relatively few tribes and leaves so many as 350 tribes without any funds to accomplish needed transportation activities.

The intent of the rulemaking process is to establish a new and better formula. The Secretary should not go forward with funding until a more equitable arrangement can be negotiated. After reviewing the makeup of the rulemaking committee, it is clear the current formula favors the larger Indian tribes, most of whom make up the existing rulemaking committee. In order to ensure a meaningful negotiation, no new abligations or awards of funding should be made until the rulemaking committee returns with equitable adjustments beneficial to all

Party was properties

THE SHARES FRANCE BY THE STATE OF THE STATE

Sympton Sympto DE FORM BARNS DE ST STATE OF THE PARTY OF TH

MEST TRANSPORTER

Personal Principle and

Indian tribes.

One recommendation that should be considered is the model used for nearly all Highway Trust Fund distributions to state transportation programs where a minimum apportionment guarantees a base transportation program. This type of system can be implemented without undo disruption to programs and would ease existing inequities

Thank you for considering my views during your oversight bearing. If you have any questions or concerns, please contact me or my aide, Dale Learn, at 224-0221.

Sincerely,

United States Senator

cc. Bruce Babbitt Kevin Gover



#### CHEROKEE NATION

P.O. Box 948 Tablequab, OK 74465-0948 918-456-0671 Chad "Corntainel" Smith 0\*15-0-3 Poncipal Chief

Hattings Shade O'W 2015 Deputy Principal Chief

Honorable Ben Knighthome Campbell United States Senate Committee on Indian Affairs 380 Russell Senate Office Bldg. Washington D.C. 20510

Dear Senator Campbell:

It has come to my attention that several tribal leaders testified before your committee on October 20, 1999, regarding the Indian Reservation Roads (IRR) program and the Transportation Equity Act for the 21st Century (TEA-21). I applied this effort and ask that you accept these comments as additional testimony concerning the IRR program under the Bureau of Indian Affairs (BIA) and its relationship to the TEA-21 legislation.

First of all, I am grateful that TEA-21 increased funding for the IRR program, however, spending authority is at levels below the previous Transportation Act (ISTEA) by the time it is allocated to the tribes. This is primarily due to the obligation limitation that was placed on the IRR program by TEA-21. In fiscal years 1998 and 1999, the IRR program lost \$58 million due to this limitation and has seriously impacted the ability of Indian tribes and the Bureau of Indian Affairs to provide improved access to education, health care, and employment. To add to the further detriment of tribes, these fands are reverted to state highway departments, which is not fair and equitable treatment. I fully support legislative relief from this limitation and ask that it be removed from the IRR programs completely.

As you are well aware, TEA-21 also requires the Secretary of Interior to establish a tribalfederal negotiated rulemaking committee for purposes of developing a new funding formula and regulations for the IRR program. At this point, it is not known why the BIA waited for seven (7) months to solicit committee membership and (10) months to start negotiations. Congress specifically directed the Secretary to have a new funding formula and regulations in final form no later than April 1, 1999, in order to take effect no later than October 1, 1999. Purthermore, this process was delayed another five (5) months by the Secretary's refusal to sign the negotiation protocols adopted in full by tribal and federal committee members.

With respect to the development of a funding formula that is consistent with TEA-21, I fully support the current formula albeit the process that the BIA uses to arrive at and maintain each

Ben Knighthorse Campbell October 28, 1999 Page 2

tribe's allocation needs to be addressed. Aside from the population factor which constitutes 20% of the formula, the remaining 80% is driven from a road inventory loaded with engineering statistics that cannot be easily verified, leads to manipulation, and if left unattended, the result is a loss of funding for some tribes. The mishandling of this information is the main reason why some tribes have pushed for a change in the current funding formula.

In the area of IRR program operations, an excellent opportunity exists for the committee to develop regulations consistent with TEA-21 and the Indian Self-Determination and Education Assistance Act (Public Law 93-638). However, tribes are witnessing strong resistance to tribal Self-Determination and Self-Governance. Although we do have a good relationship with BIA, the entrenched bureaucracy continues to be a problem.

Public Law 93-638 was designed to previde for an orderly transition and reduction of federal bureaucracy giving tribes meaningful authority to administer federal funding and programs. Even with the enactment of TEA-21, the BIA is increasing its staff as we speak. Numerous attempts have been made by tribes to contract and compact the IRR program only to fail because BIA refuses to identify its residuals and will not allow tribes to administer the full program.

TEA-21 expressly subjects all IRR funding to P.L. 93-638 including the six percent (6%) used for BIA administration without regard to the organizational level the Department of Interior has previously carried out such programs, services, functions, and activities. As evidenced in past and present negotiations, including the TEA-21 Negotiated Rulemaking Committee, BIA is claiming that the 6% is not available to tribes which has resulted in a duplication of services. Moreover, the BIA has found another way to take funding from tribes by withholding project money to ensure public health and safety. This is clearly the tribe's responsibility under P.L. 93-638 and another attempt by BIA to ignore the intent of Congress and prolong tribal rights to self-government.

In closing, I would like to thank you for this opportunity to provide testimony on the IRR program and the TEA-21 legislation. I feel that changes are necessary to insure the IRR program is fully funded at levels envisioned by TEA-21, and that the BIA must be held accountable for their actions.

If you have any questions, please do not hesitate to contact Harley Buzzard of my staff at (918) 456-0671, extension 2321, or Robert Endicon at (918) 587-3470.

Sincerely,

Chadwick Smith, Principal Chief

Cherokee Nation